

DUPLICATE ORIGINAL

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARGARET WITT, Major, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 UNITED STATES DEPARTMENT OF THE )  
 AIR FORCE; ROBERT M. GATES, )  
 Secretary of Defense; MICHAEL B. )  
 DONLEY, Secretary of Department )  
 of the Air Force, Colonel; )  
 JANETTE L. MOORE-HARBERT, )  
 Commander of the 446th )  
 Aeromedical Evacuation Squadron, )  
 Colonel; McChord AFB, )  
 )  
 Defendants. )

NO. C06-5195-RBL

DEPOSITION OF ANTHONY J. LOVERDE

AUGUST 11, 2010

*By Video Dep.*

DAWN HOWARD, CSR # 13201  
307486



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UNITED STATES DEPARTMENT OF THE )  
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Secretary of Defense; MICHAEL B. )  
DONLEY, Secretary of Department )  
of the Air Force, Colonel; )  
JANETTE L. MOORE-HARBERT, )  
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Aeromedical Evacuation Squadron, )  
Colonel; McChord AFB, )  
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Defendants. )  
\_\_\_\_\_ )

NO. C06-5195-RBL

Videotaped Deposition of ANTHONY J. LOVERDE,  
taken on behalf of Plaintiff, at  
39 Drumm Street, San Francisco,  
California, commencing at the hour of  
10:52 a.m., ending at 1:33 p.m., on Wednesday,  
August 11, 2010, before DAWN  
HOWARD, CSR 13201

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ALSO PRESENT: Sarah Dunne  
Todi Carnes  
Frank Clare, Videographer

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1 San Francisco, California, Wednesday, August 11, 2010

2 10:52 a.m. - 1:33 p.m.

3 \* \* \* \*

4

10:52 5 THE VIDEOGRAPHER: Good morning. My name is  
10:52 6 Frank Clare. I'm a videographer with Barkley Court  
10:52 7 Reporters, located at 222 Front Street, Suite 600, San  
10:52 8 Francisco, California. The date is August 11th, 2010,  
10:52 9 and the time is 10:52 a.m.

10:52 10 This is the videotaped deposition of Anthony  
10:52 11 Loverde in the matter of Major Margaret Witt versus  
10:52 12 the United States Department of the Air Force, et al.,  
10:52 13 case number 306-CV-05195-RBL, taking place at 39 Drumm  
10:53 14 Street, 3rd Floor, San Francisco, California on behalf  
10:53 15 of the plaintiff.

10:53 16 Would counsel please identify themselves and  
10:53 17 state whom they represent.

10:53 18 MS. KUNG: Sher Kung, representing the  
10:53 19 plaintiff, Margaret Witt, and Sarah Dunne, also  
10:53 20 representing plaintiff.

10:53 21 MR. DIEDERICH: Bryan Diederich from the  
10:53 22 Department of Justice for the defendants. With me is  
10:53 23 Todi Carnes from the United States Air Force.

10:53 24 THE VIDEOGRAPHER: Thank you.

10:53 25 The court reporter may administer the oath.

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ANTHONY J. LOVERDE,

having been duly sworn, testified as follows:

EXAMINATION

MS. KUNG: Q. Good morning, Mr. Loverde.

A. Good morning.

Q. Please state your full name for the record.

A. Anthony John Loverde.

Q. Please spell Loverde, please.

A. L-O-V-E-R-D-E.

Q. And have you ever served in the United States  
Air Force?

A. Yes, I have.

Q. Were you enlisted in the Air Force?

A. I was enlisted.

Q. And how long did you serve your country as a  
member of the Air Force?

A. Seven years, five months.

Q. Can you give me the -- the dates of your  
service?

A. It was February 13th, 2001 through July 13th,  
2008.

Q. Why was July 13th, 2008 your last day?

A. I was discharged under Don't Ask, Don't Tell.

10:54 1 Q. What was the basis of your discharge under  
10:54 2 Don't Ask, Don't Tell?

10:54 3 A. I had made a statement to my commander of me  
10:54 4 being gay.

10:54 5 Q. And while you were serving -- so right before  
10:54 6 your discharge -- how many of your fellow unit members  
10:54 7 knew that you were gay?

10:55 8 MR. DIEDERICH: Objection; foundation,  
10:55 9 speculation.

10:55 10 MS. KUNG: Q. Right before your discharge,  
10:55 11 Mr. Loverde, did your fellow unit members know you were  
10:55 12 gay?

10:55 13 A. Yes.

10:55 14 MR. DIEDERICH: Same objection.

10:55 15 MS. KUNG: Q. How many of your unit members  
10:55 16 knew you were gay?

10:55 17 MR. DIEDERICH: Same objection.

10:55 18 THE WITNESS: There was well over 40.

10:55 19 MS. KUNG: Q. And for how long did you serve  
10:55 20 in the Air Force openly as a gay man?

10:55 21 A. It was from April 2008 through July 2008.

10:55 22 Q. Just briefly, what have you been doing for work  
10:55 23 since your discharge in July 2008?

10:55 24 A. I have accepted a few defense contracting jobs.  
10:55 25 They were through private companies that contract with

10:55 1 the defense department, doing the same job that I was  
10:55 2 trained for in the Air Force.

10:55 3 Q. And in those defense contracting jobs, is there  
10:55 4 any difference in the work you do with the work you  
10:55 5 performed for the Air Force?

10:55 6 A. No. It's exactly the same.

10:56 7 Q. Before we get into the story surrounding your  
10:56 8 discharge, I want to turn first to your background.

10:56 9 Mr. Loverde, why did you join the Air Force?

10:56 10 A. I joined the Air Force for three main reasons:  
10:56 11 One was, I was going to school. I was 21 years old, and  
10:56 12 I was having a hard time meeting the obligations of  
10:56 13 working full time and going to school. So I looked to  
10:56 14 the Air Force to -- for the benefits of the GI Bill. I  
10:56 15 also knew that they offered tuition assistance, so that  
10:56 16 would allow me to go to school while on active duty.

10:56 17 I also wanted to be trained for a trade, a  
10:56 18 specialty trade, that would be marketable when I got out  
10:56 19 of the Air Force. And then thirdly, I had -- my  
10:56 20 grandparents were in the military, and they spoke often  
10:56 21 of their experiences during the Korean War conflict, and  
10:56 22 that was inspiring to me and something I wanted to  
10:57 23 experience.

10:57 24 Q. You testified to the GI Bill offering tuition  
10:57 25 assistance. In exchange for that assistance, how long



10:57 1 was your commitment to serve in the Air Force?

10:57 2 A. Well, I enlisted for six years originally, and  
10:57 3 there was -- there were options for me to either go four  
10:57 4 years or six years, and I chose six years mostly because  
10:57 5 of the tuition assistance that would allow me to obtain  
10:57 6 my bachelor's degree while enlisted, and then I knew the  
10:57 7 GI Bill would help me with my master's degree  
10:57 8 afterwards. But between the two, I thought six years  
10:57 9 was appropriate. And then also, I knew they offered  
10:57 10 early promotion for doing six years, and that would just  
10:57 11 set my career off at a good start, and --

10:57 12 Basically, does that answer your question?

10:57 13 Q. Yes.

10:57 14 And when you joined the Air Force, what  
10:57 15 training were you initially given?

10:58 16 A. Initially, I signed up for what they call PMEL.  
10:58 17 It's Precision Measurement Equipment Laboratory. It's  
10:58 18 P-M-E-L, for short. And it's a specialty in electronics  
10:58 19 and weights and measures, and specifically we do  
10:58 20 calibrations.

10:58 21 Q. And before PMEL, was there basic training --

10:58 22 A. Yes.

10:58 23 Q. -- that you attended?

10:58 24 A. Yes, I went to Lackland Air Force Base in Texas  
10:58 25 for my basic training, and I completed that in April,

10:58 1 2001.

10:58 2 Q. And after basic training, then, is that when  
10:58 3 you went to your PMEL training?

10:58 4 A. Yes. I was then sent to my specialty training,  
10:58 5 which was in Keesler Air Force Base, Mississippi. And  
10:58 6 there I attended electronic principles training, which  
10:58 7 prepared me for my calibrations specialty training.

10:58 8 Q. And when did you complete the electronic  
10:59 9 principles training?

10:59 10 A. That was in November of 2001.

10:59 11 Q. And after completion of the electronic  
10:59 12 principles training, was there even more training?

10:59 13 A. Yes. Upon my arrival at my first duty station,  
10:59 14 which was Ramstein Air Base, Germany. I then entered  
10:59 15 what we call OJT, on-the-job training. And there,  
10:59 16 lasted another year, year and a half, study materials I  
10:59 17 had to complete, testing I had to complete, and hands-on  
10:59 18 training that I conducted with fellow trainers in the  
10:59 19 laboratory.

10:59 20 Q. Mr. Loverde, when you enlisted in the Air Force  
10:59 21 in 2001, did you know you were gay?

10:59 22 A. I did not know for sure I was gay when I had  
10:59 23 enlisted in February 2001. At that point, I was  
10:59 24 struggling with the thought of being gay. I was raised  
10:59 25 in a small town. I went to church, and the church had

10:59 1 taught me that it was wrong to be gay, that it was a  
11:00 2 temptation that I had to overcome. And so, for many  
11:00 3 years in my high school through college years I was  
11:00 4 struggling with being gay.

11:00 5 So at the point of entering the military, I --  
11:00 6 that was my state of mind, of not accepting myself as  
11:00 7 being gay, and I thought it was more of a spiritual  
11:00 8 challenge for me.

11:00 9 Q. And at what point did you start to realize you  
11:00 10 may be gay?

11:00 11 A. Well, it was -- you know, again, I always  
11:00 12 suspected, I guess, struggled with it, and then it  
11:00 13 wasn't until I started meeting other gay service members  
11:00 14 in training. And then I was watching them conduct  
11:00 15 themselves where they were happy. They were content in  
11:00 16 being gay. They didn't struggle like I struggled with  
11:00 17 the thought of being gay.

11:00 18 And -- and then I started to look at myself and  
11:00 19 see how I was dealing with that. And after analysis of  
11:01 20 just really looking into myself and deep, you know,  
11:01 21 spiritual thoughts and meditation, and just several  
11:01 22 months of just really thinking hard about it, I came to  
11:01 23 a point where I realized that my life would be happier  
11:01 24 if I just accepted myself as who I was. And so, it was  
11:01 25 during training when I got to that point of acceptance.

11:01 1 Q. And you testified that you met other gay  
11:01 2 service members. How did you know they were gay?

11:01 3 A. At first I didn't know they were gay. We'd go  
11:01 4 through training, and you're -- you have lots of  
11:01 5 restrictions put on you. So when I first arrived to  
11:01 6 Keesler Air Force Base, you know, we weren't allowed to  
11:01 7 go off base. We weren't allowed to wear civilian  
11:01 8 clothes. We had curfews we had to be in our  
11:01 9 dormitories. There was very few liberties at first.

11:01 10 So I made these connections with people that  
11:02 11 were in the same situation as me. We were all being  
11:02 12 trained for a certain job. The only thing I knew about  
11:02 13 them was that they were other airmen, that they were  
11:02 14 being trained just as I was being trained. I didn't  
11:02 15 know very much about their personal lives.

11:02 16 And then as time went on and we were given  
11:02 17 liberties to go off base, to wear civilian clothes,  
11:02 18 that's when my friends were then leaving me on the  
11:02 19 weekends. They were not telling me where they were  
11:02 20 going, and I cornered one of them a few weeks after that  
11:02 21 behavior. And I said, "I want to hang out with you  
11:02 22 guys. We've established this friendship. I don't  
11:02 23 understand why you guys -- you know, why you guys are  
11:02 24 leaving me behind."

11:02 25 They said -- this one particular person had

11:02 1 said they did -- he didn't know if they can trust me.

11:02 2 And I said, "You can trust me," and that's when  
11:02 3 he let me know that they were gay. And they were going  
11:02 4 to a local gay bar, and that's when I found out that  
11:02 5 they were -- I had made friends with several gay and  
11:03 6 lesbians without even knowing.

11:03 7 Q. When you realized and admitted to yourself that  
11:03 8 you were gay, did you know about the Don't Ask, Don't  
11:03 9 Tell policy?

11:03 10 A. I knew of the Don't Ask, Don't Tell policy, but  
11:03 11 I wasn't aware of the details surrounding the policy.

11:03 12 Q. Did you try to learn more about the policy?

11:03 13 A. Yes. I -- once I figured that I was gay, I  
11:03 14 knew that there was a problem with me serving under  
11:03 15 Don't Ask, Don't Tell. So I started to search for  
11:03 16 information. I didn't feel there was anyone in the  
11:03 17 military I could go to to get clarification on my  
11:03 18 questions, so I turned to the Internet.

11:03 19 And that's when I started doing searches on  
11:03 20 gays in the military, which then brought me to  
11:03 21 Servicemembers Legal Defense Network Web site, and they  
11:03 22 had a survivors guide for military -- gay military  
11:03 23 personnel. And so I was reading their survivors guide,  
11:03 24 and that's when I started to learn about the policy and  
11:04 25 that I could be discharged if I made a statement, if I

11:04 1 was caught in attempted marriage or conduct.

11:04 2 And so I figured the only challenge I would  
11:04 3 have at that point under Don't Ask, Don't Tell was  
11:04 4 making a statement. I didn't feel I was going to get  
11:04 5 married any time soon, and I knew my conduct could be  
11:04 6 separate from my professional life. So I really just  
11:04 7 focused on the statement challenge under Don't Ask,  
11:04 8 Don't Tell.

11:04 9 Q. And in what context would you need to be  
11:04 10 careful about the statements you made?

11:04 11 MR. DIEDERICH: Objection.

11:04 12 MS. KUNG: Q. Can you elaborate on your  
11:04 13 testimony regarding the statement being your main worry  
11:04 14 under the policy?

11:04 15 A. Right.

11:04 16 MR. DIEDERICH: Objection; narrative.

11:04 17 MS. KUNG: Q. Mr. Loverde, you testified  
11:04 18 that making a statement under Don't Ask, Don't Tell was  
11:04 19 your main worry.

11:04 20 When would -- when would this come up in the  
11:04 21 context?

11:04 22 A. Well --

11:05 23 MR. DIEDERICH: Objection; speculation.

11:05 24 THE WITNESS: It's --

11:05 25 MS. KUNG: Q. You can answer the question.

11:05 1 A. It's -- it's daily. We have casual  
11:05 2 conversations during training, and then later on, even  
11:05 3 just in our own work environment. So people want to  
11:05 4 know about the weekends, what you're planning to do on  
11:05 5 the weekends, what you've done the last weekend. People  
11:05 6 casually want to know if you're in a relationship.  
11:05 7 People want to know what your hobbies are. People want  
11:05 8 to know a lot of personal things about you, and it's  
11:05 9 about building comradery and trust amongst the unit.

11:05 10 Q. And you testified generally that people want to  
11:05 11 know. Are you speaking from personal experience?

11:05 12 A. Yes. I mean, I was asked several times  
11:05 13 throughout my training amongst other airmen that were --  
11:05 14 you know, identified as straight, heterosexuals. They  
11:05 15 always wanted to know what I was doing for the weekend.

11:06 16 I had a group of friends that were both  
11:06 17 straight and gay, and I was constantly being asked to  
11:06 18 participate in social events, whether it's barbecues or  
11:06 19 going out to the bars or going on road trips, or  
11:06 20 whatever. So people want to involve me, and that was  
11:06 21 something that I was approached with quite often.

11:06 22 Q. And how did you then respond to these  
11:06 23 invitations to barbecues and such?

11:06 24 A. Well, I -- it was -- it depended -- depended on  
11:06 25 what was going on that weekend. If I had plans with my

11:06 1 gay friends, I'd have to tell my straight friends that  
11:06 2 I -- you know, there was something else going on. I  
11:06 3 couldn't tell them I was hanging out with somebody else,  
11:06 4 because they'd ask who I was hanging out with, or I  
11:06 5 assumed they would ask who I was hanging out with.

11:06 6 So it was a fear of opening up that door, and  
11:06 7 so I would usually say I had to study. Or if they asked  
11:06 8 what did I do this weekend, I'd say, "Well, I just  
11:06 9 studied." I really played myself to be a very boring  
11:07 10 person and didn't really comment on much of my actual  
11:07 11 activities, because I didn't want to open that door to  
11:07 12 being found out.

11:07 13 Q. So would you say you had to lie?

11:07 14 A. Yes, I did.

11:07 15 Q. Mr. Loverde, during your Air Force training,  
11:07 16 what did you learn regarding the Air Force core values?

11:07 17 A. Well, they start out from basic training, and  
11:07 18 they reiterate the core values throughout your career.  
11:07 19 And they first start you to memorize them, which is:  
11:07 20 Integrity first, excellence in all we do, and service  
11:07 21 before self. And so through -- through my time serving  
11:07 22 my supervisors, my commanders -- people would take these  
11:07 23 core values, and they would apply them into stories and  
11:07 24 situations on how we can live those standards in our  
11:07 25 personal lives and in our work lives, and that that was



11:08 1 to be the foundation of how we operate and how we deal  
11:08 2 with each other.

11:08 3 So integrity has always been a focus in the  
11:08 4 mili- -- in the Air Force as being a core value, is what  
11:08 5 they call it. And I was explained several times that  
11:08 6 integrity was doing the right thing when nobody is  
11:08 7 looking, calling out the wrongs of situations and doing  
11:08 8 the corrective rights to -- to fix things, make things  
11:08 9 better, and really it was just being honest and true in  
11:08 10 all your dealings with each other.

11:08 11 Q. So given that you had to lie to guard your  
11:08 12 sexual orientation, did you feel that you can maintain  
11:08 13 the Air Force core value of integrity while serving?

11:08 14 A. No, I couldn't. I constantly had to sacrifice  
11:08 15 my core values and integrity, and it was something that  
11:08 16 was a black cloud over me, my entire service. It was  
11:08 17 something I never felt I could fully embrace, because  
11:09 18 this law directed me otherwise. It told me to lie.

11:09 19 Q. And again, do you feel that the Don't Ask,  
11:09 20 Don't Tell policy is consistent with the Air Force core  
11:09 21 values?

11:09 22 A. It's --

11:09 23 MR. DIEDERICH: Objection; relevance.

11:09 24 MS. KUNG: Q. You may answer.

11:09 25 A. It's absolutely not consistent with the Air

11:09 1 Force core values. Don't Ask, Don't Tell is in direct  
11:09 2 conflict with integrity first, and it makes people like  
11:09 3 myself -- it makes myself put up barriers. It makes me  
11:09 4 be secretive. It makes me be dishonest, and it makes me  
11:09 5 constantly protect my career that -- that pulls me away  
11:09 6 from my team, rather than integrate my team.

11:09 7 Q. Mr. Loverde, now I want to walk through the  
11:09 8 first part of your military career.

11:09 9 Where was your first assignment?

11:09 10 A. My first assignment was to Ramstein Air Base,  
11:09 11 Germany.

11:09 12 Q. And what years were you stationed at Ramstein?

11:10 13 A. I was stationed there from December 2001  
11:10 14 through December 2004.

11:10 15 Q. What squadron were you a part of?

11:10 16 A. I was assigned to the 86th maintenance  
11:10 17 squadron.

11:10 18 Q. And is the 86th maintenance squadron broken  
11:10 19 down into smaller units?

11:10 20 A. Yes. Within the 86th maintenance squadron  
11:10 21 there are several flights. I was assigned to the PMEL  
11:10 22 flight.

11:10 23 Q. And what were your duties as a member of the  
11:10 24 PMEL flight?

11:10 25 A. I was -- it was my first base, so I did have to

11:10 1 go through the training to upgrade myself to what we  
11:10 2 call a five-level proficiency. It's a journeyman level,  
11:10 3 and that was my main -- my main goal and objective of  
11:10 4 being there, is to continue my training.

11:10 5 In doing so, I was also responsible for  
11:10 6 supporting the calibrations mission for Europe, Middle  
11:10 7 East, North Africa, and we would do lateral -- lateral  
11:11 8 support for even the States. So it was in the science  
11:11 9 of weights and measures, calibrations, and we maintain  
11:11 10 the equipment that was used in the flight line for air  
11:11 11 operations, also using communication operations,  
11:11 12 healthcare equipment. Several operations with the  
11:11 13 military use these technologies that require  
11:11 14 calibration. Then it all comes through us.

11:11 15 Q. And how would you describe the exact position  
11:11 16 that you were in?

11:11 17 A. I -- I worked in -- within the flight, there  
11:11 18 are several -- there's a few areas of concentration. I  
11:11 19 worked in the electronics part of it. That -- I was  
11:11 20 responsible for working on equipment, calibrating that  
11:11 21 equipment, fixing that equipment, aligning that  
11:11 22 equipment and ensuring precision of that equipment.  
11:11 23 We -- as calibrators, we're ensuring the precision part  
11:12 24 of precision warfare.

11:12 25 So the -- the whole purpose of us to be there

11:12 1 is to ensure that the equipment does what it's supposed  
11:12 2 to do. If we have a target that we need to hit, we  
11:12 3 ensure that that missile, through its missile system, is  
11:12 4 calibrated to do so; it hits within, you know, two or  
11:12 5 ten feet, rather than 500 feet. So that, in the big  
11:12 6 picture, that's what we ensure there in the laboratory.

11:12 7 Q. And how many different types of equipment did  
11:12 8 you calibrate?

11:12 9 A. In Ramstein Air Base, we had an equipment  
11:12 10 inventory of around 14,000 items.

11:12 11 Q. Whose equipment were you calibrating?

11:12 12 A. We were mostly calibrating the Air Force  
11:12 13 equipment, but we also supported the German military,  
11:12 14 some of their equipment. We also supported the Army.  
11:12 15 The Army and Navy would come there with some requests  
11:12 16 for us to support. It was dependent on the needs of  
11:12 17 that area and whether the other services had  
11:13 18 capabilities or not. If they didn't have capabilities,  
11:13 19 they would come to us, and we would -- and we would do  
11:13 20 the calibration support for them.

11:13 21 Q. In the PMEL lab at Ramstein, who were you  
11:13 22 working with?

11:13 23 A. At Ramstein I work with all military. It was  
11:13 24 Air Force, uniformed.

11:13 25 Q. Between 2001 and 2004, at Ramstein, did you

11:13 1 receive any promotions?

11:13 2 A. Yes. I received Senior Airmen Below-The-Zone.  
11:13 3 It was an early promotion to E-4, and that was because  
11:13 4 of a board that I was put up to. I then later received  
11:13 5 Staff Sergeant at the end of my tour, which is an E-5.

11:13 6 Q. What does E-4 and E-5 stand for?

11:13 7 A. Those are just designations for the rank  
11:13 8 structure and the enlisted ranks, and the ranks are from  
11:13 9 E-1 to E-9, E-9 being the highest rank held for  
11:14 10 enlisted.

11:14 11 Q. And you testified that you received an early  
11:14 12 promotion to E-4. What do you mean by "early  
11:14 13 promotion"?

11:14 14 A. Up to E-4 you're usually promoted based on your  
11:14 15 time and service, so they're automatic promotions,  
11:14 16 unless you have derogatory issues in your file that  
11:14 17 would prevent a promotion. To get early promotion to  
11:14 18 E-4, it's -- there's a program the Air Force has called  
11:14 19 Senior Airmen Below-The-Zone, and that is where  
11:14 20 promotees, eligible promotees, are then packaged in --  
11:14 21 in a submission package that's sent to a board, and that  
11:14 22 package has all my information of my job  
11:14 23 accomplishments, my educational accomplishments, my  
11:14 24 communi- -- community involvement, my evaluation  
11:14 25 reports. They call it the whole person concept is kind

11:14 1 of taken in to review, and then the board and the  
11:15 2 commander decide who they're going to promote out of  
11:15 3 those submit- -- submissions, and somewhere around  
11:15 4 ten percent that year was selected, in which I was.

11:15 5 Q. And how did your responsibilities shift once  
11:15 6 you were promoted to senior airman?

11:15 7 A. Once I got promoted to senior airman, my  
11:15 8 supervisors in the PMEL flight started to give me more  
11:15 9 responsibility, and they had moved me from my technician  
11:15 10 position in the laboratory and put me in a scheduling  
11:15 11 and logistics operation side of the laboratory. That's  
11:15 12 usually reserved for someone of a higher rank. It's  
11:15 13 increased responsibility.

11:15 14 I was told by my supervisors with my promotion  
11:15 15 that they were wanting to groom me for future leadership  
11:15 16 roles, so I was then given more responsibility.

11:15 17 Q. At the end of your tour, you testified that you  
11:16 18 were then promoted to E-5 Staff Sergeant. How long does  
11:16 19 it usually take to be promoted to Staff Sergeant?

11:16 20 A. For my career field, it's about six years.

11:16 21 Q. And how long did it take you?

11:16 22 A. It took me three and a half years. I was  
11:16 23 referred -- I was told that I was a fast burner.

11:16 24 Q. Why were you able to -- to make the promotion  
11:16 25 in half the time?

11:16 1 MR. DIEDERICH: Objection; speculation,  
11:16 2 foundation.

11:16 3 MS. KUNG: Q. Do you know why you were  
11:16 4 called a "fast burner"?

11:16 5 A. Yes. With my early promotion to senior airman,  
11:16 6 that put me in the window to test for Staff Sergeant  
11:16 7 that year. I was put in the window by two days. That  
11:16 8 allowed me to test. And when you get promoted to Staff  
11:16 9 Sergeant, it's a point-based system. So again, they  
11:16 10 look at your -- your evaluations. They look at the  
11:16 11 medals that you have acquired. They look at the --  
11:16 12 you're then tested on Air Force knowledge, general  
11:17 13 knowledge. You're tested on your specialty knowledge.

11:17 14 All these factors are -- you're given points,  
11:17 15 how many -- how much time you've held your rank, how  
11:17 16 long you've been in the Air Force. And once you total  
11:17 17 these points, they promote a certain percentage every  
11:17 18 year. And if you make that cutoff, you're promoted.  
11:17 19 The only reason why I got selected was I made those  
11:17 20 points, and I made those points by knowing my -- knowing  
11:17 21 my job, knowing the Air Force, and that's through the  
11:17 22 testing that I had went through. I earned the points to  
11:17 23 make that promotion.

11:17 24 Q. Does that mean that you had to test better  
11:17 25 than others?

11:17 1 MR. DIEDERICH: Objection; leading.

11:17 2 THE WITNESS: Well --

11:17 3 MS. KUNG: Q. Go ahead.

11:17 4 A. Those that have been in longer than me have  
11:17 5 more points than me. They're given more points for  
11:17 6 being in the service longer. They give you more points  
11:17 7 for having rank longer. I was promoted fast, which  
11:18 8 meant that I had less points in that area. I had to  
11:18 9 make up those points through my knowledge, which meant  
11:18 10 that I had to test better than others.

11:18 11 Q. Aside from being promoted, were you recognized  
11:18 12 in any other way for your work at Ramstein Air Force  
11:18 13 Base?

11:18 14 A. I received several recognition awards. One was  
11:18 15 when I went to the Airman Leadership School. I  
11:18 16 graduated as a distinguished graduate. Ten percent of  
11:18 17 the attendees at that school were honored with that  
11:18 18 distinction. I also was given several quality awards.  
11:18 19 We had a quality assurance team in our laboratory. They  
11:18 20 would conduct their reviews every quarter. If you held  
11:18 21 over a 90 percentile of passing rates on your equipment,  
11:18 22 you were recognized for having a high quality rate. I  
11:18 23 received those every quarter. There was also, you know,  
11:18 24 a few Airman of the Month awards, and those sort of  
11:18 25 things.



11:19 1 Q. And what is the purpose of the Air Force Airman  
11:19 2 Leadership School?

11:19 3 MR. DIEDERICH: Objection; foundation,  
11:19 4 speculation.

11:19 5 MS. KUNG: Q. You just testified that you  
11:19 6 went to the Air Force Airman Leadership School. What do  
11:19 7 you -- what do you learn there?

11:19 8 A. I was taught there to -- I was taught there  
11:19 9 counseling techniques. I was taught supervisory issues,  
11:19 10 methods. I was taught diversity within the workforce.  
11:19 11 You learn regulations. You learn the enforcement of  
11:19 12 those regulations. You learn military history, and  
11:19 13 there's a big emphasis on learning group dynamics, how  
11:19 14 to work in groups, how to work within the diversity of  
11:19 15 equal opportunity.

11:19 16 Q. After your Ramstein assignment, were you then  
11:19 17 assigned elsewhere?

11:19 18 A. After Ramstein, I was then assigned to Edwards  
11:20 19 Air Force Base in California.

11:20 20 Q. And how long did you serve at Edwards?

11:20 21 A. I was there for approximately two years.

11:20 22 Q. Do you know the dates?

11:20 23 A. From January 2005 to June 2007.

11:20 24 Q. And please describe your position and duties at  
11:20 25 Edwards.

11:20 1 A. At Edwards I was again assigned to the  
11:20 2 laboratory. I was a Staff Sergeant at that time, and I  
11:20 3 was responsible for two airmen that I had to supervise  
11:20 4 and rate and counsel and mentor. I also worked in the  
11:20 5 electronics side, again, in that department, where I had  
11:20 6 also trained others on special equipment.

11:20 7 Q. Just to clarify, what laboratory?

11:20 8 A. The PMEL flight.

11:20 9 Q. PMEL?

11:20 10 A. Yes.

11:20 11 Q. Who did you serve with when you were working in  
11:20 12 the lab at Edwards?

11:20 13 A. I served with Air Force military, uniformed,  
11:21 14 and we also served with Federal civil service employees.

11:21 15 Q. What kind of work were the Federal civil  
11:21 16 service employees doing?

11:21 17 A. One of them was my supervisor, and the  
11:21 18 others -- about a dozen of them -- were technicians.  
11:21 19 They worked alongside us, doing the same calibration  
11:21 20 work that the uniformed military were doing.

11:21 21 Q. And who did those civil service employees  
11:21 22 report to?

11:21 23 A. They reported to our Flight Chief. He was a  
11:21 24 Chief Master Sergeant, military uniformed.

11:21 25 Q. So was there any difference in the work that

11:21 1 you were doing and the work that the Federal civil  
11:21 2 service was --

11:21 3 A. No. They were held to the same standards, the  
11:21 4 same regulations. We had to work together. I trained  
11:21 5 them. They trained me. It was -- it was the same work.

11:21 6 Q. Did those civil service members ever serve in  
11:22 7 command positions?

11:22 8 A. At the end of my tour there, they had  
11:22 9 transformed my squadron -- from a military squadron,  
11:22 10 they transformed it into what they call "HPO," High  
11:22 11 Performance Organization. That's when they removed our  
11:22 12 military commander and replaced him with a civilian  
11:22 13 commander. They also changed other flights within that  
11:22 14 squadron to be civilian as well, so we had a larger  
11:22 15 civilian presence by the end of my tour.

11:22 16 Q. And were any of those Federal civil service  
11:22 17 employees that you worked with openly gay or lesbian?

11:22 18 A. Yes.

11:22 19 MR. DIEDERICH: Objection; foundation.

11:22 20 MS. KUNG: Q. Do you know if any of those  
11:22 21 employees were openly gay or lesbian?

11:22 22 A. Yes, I do know.

11:22 23 Q. How do you know?

11:22 24 A. There was one member I worked with in that  
11:22 25 laboratory at PMEL, and he was -- he spoke of being gay

11:22 1 often. He spoke of his partners. He showed up to  
11:22 2 barbecues with our fellow employees on the weekends  
11:23 3 with -- with a friend, and everyone openly discussed it  
11:23 4 as his partner.

11:23 5 Q. So how many Air Force members that you were  
11:23 6 serving with in your unit knew that this particular  
11:23 7 individual was openly gay?

11:23 8 MR. DIEDERICH: Objection; foundation,  
11:23 9 speculation.

11:23 10 MS. KUNG: Q. You testified that you knew he  
11:23 11 was gay.

11:23 12 A. Uh-huh.

11:23 13 Q. Do you know if others also knew that he was  
11:23 14 openly gay?

11:23 15 A. Yes.

11:23 16 MR. DIEDERICH: Same objection.

11:23 17 MS. KUNG: Q. You may answer.

11:23 18 A. Yes. Like I said, it was openly talked about  
11:23 19 within the flight, so there -- I knew another dozen  
11:23 20 uniformed military members that had openly discussed him  
11:23 21 being gay.

11:23 22 Q. How many members in your lab worked with this  
11:23 23 gay Federal civil service employee directly?

11:23 24 A. There was about -- somewhere between 20 and 30  
11:23 25 uniformed personnel. I'm not sure exactly, the exact

11:23 1 number.

11:23 2 Q. And did you personally work with him?

11:24 3 A. Yes, I did.

11:24 4 Q. How did -- how did the other unit members treat  
11:24 5 this gay employee?

11:24 6 A. No different from anybody else. You worked  
11:24 7 with him. You trained with him. He trained you  
11:24 8 sometimes. In this field, there's -- like I had  
11:24 9 mentioned, there's 14,000 items at most labs, and no one  
11:24 10 person knows everything that's on every item. So you  
11:24 11 look to each other to -- to teach each other and train  
11:24 12 each other on new items that you may pick up to  
11:24 13 calibrate. So he worked alongside us, with us, no  
11:24 14 different than anybody else. Everyone treated him just  
11:24 15 the same.

11:24 16 Q. Now, you've testified about the PMEL lab at  
11:24 17 Edwards Air Force Base. Do you know whether other PMEL  
11:24 18 labs have similar setups where service members work  
11:24 19 alongside civilians?

11:24 20 A. Yes. There are several PMEL labs around the  
11:25 21 world. Some of them are all uniformed military. Some  
11:25 22 are half uniformed and half civil service. Some are  
11:25 23 contractors. It -- it varies on the command there, you  
11:25 24 know, however they set it up. I've seen where some labs  
11:25 25 were military and changed to civil service, or civil

11:25 1 service were merged into military and then go to  
11:25 2 contract. There's flip-flopping going on with all the  
11:25 3 different contracts that go on. But throughout the --  
11:25 4 the world the PMEL labs are very much mixed.

11:25 5 Q. And what do you mean by "contractors"?

11:25 6 A. Contractors are private companies that contract  
11:25 7 with the Department of Defense, the Air Force, the Army.  
11:25 8 They -- they provide a service to the military, which is  
11:25 9 the same mission as the uniformed calibration labs do.  
11:25 10 It's just different. They wear polo shirts, and they  
11:26 11 come in and they work on the same equipment, with the  
11:26 12 same resources, and they -- and they -- they're just a  
11:26 13 private company.

11:26 14 Q. Are contractors, then, civilian employees?

11:26 15 A. They are civilian employees, yes.

11:26 16 Q. Do you know if a contract employee, working in  
11:26 17 a PMEL lab, can be openly gay?

11:26 18 A. Yes, they can.

11:26 19 Q. And how do you know that?

11:26 20 A. I was one.

11:26 21 Q. Okay. I'll come back to this topic later, but  
11:26 22 right now I'd like to ask you some other questions.

11:26 23 Were you deployed during your assignment at  
11:26 24 Edwards Air Force Base?

11:26 25 A. Yes, I was.

11:26 1 Q. And where were you deployed to?

11:26 2 A. I was deployed to Al Udeid, Qatar.

11:26 3 Q. Can you spell that, please.

11:26 4 A. Qatar is Q-A-T-A-R. Al Udeid is A-L, space,  
11:26 5 new word. Udeid is U-D-E-I-D.

11:26 6 Q. Was that in support of a specific military  
11:26 7 operation?

11:26 8 A. Yes. I was sent there for calibrations, the  
11:27 9 PMEL lab there in Qatar, and we supported Operation  
11:27 10 Iraqi Freedom and Operation Enduring Freedom, all the  
11:27 11 equipment in the -- what we call the "AOR," the Area of  
11:27 12 Responsibility -- was shipped to us, and we supported  
11:27 13 the calibrations and had shipped them back. Also, we  
11:27 14 supported other Middle Eastern countries, surrounding  
11:27 15 areas and the horn of Africa. There was eight to a  
11:27 16 dozen different countries that we supported.

11:27 17 Q. And what position did you serve at Qatar?

11:27 18 A. I filled the NCOIC, the Non-Commissioned  
11:27 19 Officer in Charge, position of the scheduling and  
11:27 20 logistics.

11:27 21 Q. What were your responsibilities as NCOIC?

11:27 22 A. I was the interface between all of our  
11:27 23 customers. We had around 200 different work centers  
11:27 24 that we had dealt with. They all contact -- I was their  
11:27 25 point of contact for calibrations. I would send them

11:27 1 schedules, requirements for calibrations. I would work  
11:27 2 with them on the shipments and the timeliness of getting  
11:27 3 their calibrations, whether or not there's some  
11:27 4 emergencies. Sometimes they need their calibrations  
11:28 5 serviced faster than normal. I was just -- I was there  
11:28 6 to manage the input and output of the laboratory.

11:28 7 Q. Can you please clarify what you mean by  
11:28 8 "customers."

11:28 9 A. Customers are units within the military that  
11:28 10 have equipment that required calibrations, and they have  
11:28 11 a contract with us, one way or another, that we provide  
11:28 12 that service to them. They can be the Air Force, which  
11:28 13 we mostly support. Also, there we supported the Army,  
11:28 14 the Australian or British -- I'm not sure which one it  
11:28 15 was. It was one of the two -- had also come to us for  
11:28 16 support, and just -- you know, like I said, various  
11:28 17 units in that area that would require calibration  
11:28 18 support would come to us.

11:28 19 Q. How long were you deployed to Qatar?

11:28 20 A. I was there for four months.

11:28 21 Q. And when the deployment ended, did you return  
11:28 22 to Edwards Air Force Base?

11:28 23 A. Yes, I did.

11:28 24 Q. What month did you return?

11:29 25 A. I returned in -- I believe it was January 2006,



11:29 1 yes.

11:29 2 Q. And up until the point you returned to Edwards,  
11:29 3 did you ever tell anyone in your command that you were  
11:29 4 gay?

11:29 5 A. No, not at that point.

11:29 6 Q. And to define "command" -- or to make sure  
11:29 7 we're addressing the same group of people, can you  
11:29 8 define what you mean by "command."

11:29 9 A. The command would be myself and my supervisor,  
11:29 10 who would rate on me and do my evaluations, and then my  
11:29 11 section supervisor. Then we would have our lab  
11:29 12 supervisor, which oversaw the technical operations of  
11:29 13 our laboratory. Then we had our flight supervisor, who  
11:29 14 would oversee the entire lab. And then we'd have my  
11:29 15 commander at the squadron level, that would oversee our  
11:29 16 entire flight. And above him would be the group  
11:29 17 commander, wing commander, which we don't usually deal  
11:29 18 with, but it's a colonel and general, depending on the  
11:30 19 command or location.

11:30 20 But that is pretty much my chain of command,  
11:30 21 and everyone I worked with in that command was not  
11:30 22 aware. I'd never made the statement of being gay.

11:30 23 Q. Did you ever tell -- also, up until the point  
11:30 24 you returned to Edwards, did you ever tell any of your  
11:30 25 fellow service members that you were gay?

11:30 1 A. Yes. The only other people that knew I was  
11:30 2 gay, that were also service members, were other gay  
11:30 3 military members.

11:30 4 Q. Were any of these serving in your PMEL flight?

11:30 5 A. No.

11:30 6 Q. During this time, how, if so, were you  
11:30 7 concealing your sexual orientation?

11:30 8 A. I didn't go through great lengths to conceal  
11:30 9 it. I went through great lengths to not make the  
11:30 10 statement that I was gay. But several times I would  
11:30 11 drop hints, because it was something I always wanted  
11:31 12 people to know. Because I felt that it opened up trust  
11:31 13 and honesty, and that was part of our core values of  
11:31 14 integrity.

11:31 15 So in other actions and how I dressed -- I'd  
11:31 16 wear flashy outfits, showing up to squadron events  
11:31 17 wearing leather pants and flashy shirts, spiked hair.  
11:31 18 For instance, the Christmas party in Germany, when I  
11:31 19 first got there in 2001, that's -- I showed up to that  
11:31 20 party wearing those leather pants, and flashy shirt.  
11:31 21 Everyone else was wearing suits, like I was wearing, so  
11:31 22 I stood out. And that was my first impression there, so  
11:31 23 that kind of sets -- sets the mood and --

11:31 24 And then I would openly read books that were  
11:31 25 gay-themed. People would come to my apartment or my

11:31 1 dormitory, and they would see my collection of videos,  
11:31 2 and they would be: Will and Grace, Queer as Folk. They  
11:31 3 were themed videos. That's -- pretty much, if you put  
11:32 4 the puzzle pieces together, my mannerisms, how I talk,  
11:32 5 how I walk -- I dance in the lab. I have this, just,  
11:32 6 flamboyant way of acting. People pick up on this stuff,  
11:32 7 and they, in time, realize that I was gay without me  
11:32 8 having to say that I'm gay.

11:32 9           And that was my intention to communicate that,  
11:32 10 and people would -- you know, in the beginning, they  
11:32 11 were asking me several times, you know, what kind of  
11:32 12 girls I was into. I would say, "I like girls with deep  
11:32 13 voices and broad shoulders."

11:32 14           I'd -- I'd, again, just -- these are many, many  
11:32 15 hints I would give as time went by that would describe  
11:32 16 myself as being gay.

11:32 17           Q.   And how did other service members react to your  
11:32 18 hints, such as your flashy clothes or your response to  
11:32 19 what kind of girls you liked?

11:32 20           MR. DIEDERICH: Well, I'd just object to the  
11:32 21 extent it's going to get into any hearsay, but other  
11:32 22 than that --

11:33 23           MS. KUNG:   Q.   Go ahead.

11:33 24           A.   Well -- so, at first, when I was dropping these  
11:33 25 hints, like when I first got to Ramstein and I went to

11:33 1 this Christmas party, I also made -- during my  
11:33 2 introduction in the laboratory, they had asked me flat  
11:33 3 out, you know, my hobbies and everything. And in the  
11:33 4 introduction of telling the whole lab, I had said that I  
11:33 5 like to take strolls in the parks, and I like to stop  
11:33 6 and smell flowers.

11:33 7 Well, that was something they weren't prepared  
11:33 8 to hear, and everyone was silent at first. And they  
11:33 9 were just like, "Did he just say that," and then they  
11:33 10 followed with laughter. And as time went on, the more I  
11:33 11 made these hints, people were more accepting, laughing  
11:33 12 with me, coming to me. They started sharing their own  
11:33 13 personal lives with me, and we started building a  
11:33 14 relationship from that point.

11:33 15 Q. So based on all these hints you dropped, do you  
11:33 16 believe that people suspected you were gay?

11:34 17 MR. DIEDERICH: Objection; foundation.

11:34 18 THE WITNESS: I --

11:34 19 MS. KUNG: Q. You may answer.

11:34 20 A. I know they suspected I was gay, not only by my  
11:34 21 hints and their reactions of -- of friendliness towards  
11:34 22 me, but -- at the end of my career, they all  
11:34 23 acknowledged that they knew.

11:34 24 Q. Were there instances when you had to explicitly  
11:34 25 lie to conceal your sexual orientation?

11:34 1 A. Yes. There are several times when I had to  
11:34 2 lie, and two, for sure, that I was flat out asked about:  
11:34 3 One was a situation where I was bringing an airman from  
11:34 4 Edwards Air Force Base to my home for the weekend, up in  
11:34 5 Grass Valley where my parents are from. And she was  
11:34 6 having trouble. She was -- I was her supervisor. She  
11:34 7 was having trouble with personal issues, and she just  
11:34 8 wanted to get away from the desert, there at Mojave  
11:34 9 Desert. And I offered her -- to take her out.

11:35 10 And so on our road trip, she flat out asked me.  
11:35 11 She said, "Are you gay?"

11:35 12 And I said, "Why do you ask?"

11:35 13 And she says, "Because I don't see you dating  
11:35 14 girls, and I'm just -- I think you're gay."

11:35 15 And I said, "No, I'm not. I don't have time to  
11:35 16 date girls," and she left it at that.

11:35 17 Another time in Germany, we were out together,  
11:35 18 a group of straight friends at a bar. And this one  
11:35 19 German girl was very aggressive with me. She was very  
11:35 20 interested in me, and I was not interested in her, and I  
11:35 21 had to fend her off most of the night. And after being  
11:35 22 frustrated, I told her I was gay, and she got upset.  
11:35 23 She made a scene. My other straight fellow service  
11:35 24 members saw her and her reaction and heard what she was  
11:35 25 saying. And on the way home, one of the guys asked me

11:35 1 if I was gay and why did I say that.

11:35 2 I said, "I -- I'm not gay. I just said that so  
11:35 3 that she'd leave me alone," and they pretty much left it  
11:35 4 at that, too.

11:35 5 Another time, every -- every year we go and get  
11:36 6 a dental exam, and on that dental exam it says, if  
11:36 7 you've ever been told you can't give blood, then why.  
11:36 8 Well, usually, I have to lie. And the real answer to  
11:36 9 that question is, the American Red Cross says I can't  
11:36 10 give blood because I'm gay. So for several years I had  
11:36 11 to lie about that.

11:36 12 Q. How did it make you feel to have to lie?

11:36 13 MR. DIEDERICH: Objection; relevance.

11:36 14 MS. KUNG: Q. Was it difficult for you to  
11:36 15 have to lie in these three examples you just gave?

11:36 16 A. Yes. I mean, it really just -- for me, I  
11:36 17 valued these friendships. I valued the Air Force core  
11:36 18 values. And every time that I was forced to lie, I --  
11:36 19 it was mentally challenging for me to accept that.

11:36 20 Q. And you testified earlier that you were able to  
11:37 21 drop hints through your actions, in the way you carried  
11:37 22 yourself, to let people know that you may be different.

11:37 23 In your experience, what, if any, was the  
11:37 24 impact of your greater openness about your orientation  
11:37 25 on your interactions with service members?

11:37 1 MR. DIEDERICH: Objection; prior testimony  
11:37 2 speaks for itself, calls for speculation.

11:37 3 MS. KUNG: Q. You may answer. Please  
11:37 4 answer.

11:37 5 A. So -- so as I was dropping these hints, people  
11:37 6 were beginning to get to know me more. And as we had  
11:37 7 more of an open exchange of our personal lives and our  
11:37 8 personalities, people came to me often and shared their  
11:37 9 own personal issues, and we -- we had a stronger bond.  
11:37 10 We had trust that we had built upon this openness and  
11:37 11 honesty, so it actually improved, I guess, our  
11:37 12 cohesiveness together as a unit.

11:38 13 And there in the laboratory, especially, we  
11:38 14 have lots of smart people with -- we would, you know, be  
11:38 15 labeled with big egos. And so, you don't usually go to  
11:38 16 people that you work with that you don't trust to get  
11:38 17 help, because you don't want to look vulnerable to not  
11:38 18 knowing your information. And so, the more trust we  
11:38 19 built with each other and the more honesty that we had,  
11:38 20 and we knew the person, what to expect from that person,  
11:38 21 that they were actually sincere -- they were a sincere,  
11:38 22 open person, you'd go to them for help. So even in the  
11:38 23 work situation, you were going towards people that you  
11:38 24 trusted to help you on situations that you needed help  
11:38 25 on.

11:38 1 Q. Mr. Loverde, you stated earlier that your  
11:38 2 initial commitment to serve in the Air Force only lasted  
11:38 3 six years.

11:38 4 When did you start to consider whether or not  
11:38 5 to reenlist?

11:38 6 A. When I got back from my deployment from Qatar  
11:39 7 in 2006, I was -- I knew that next year I would be  
11:39 8 separated, as far as my enlistment ending, and I started  
11:39 9 to consider whether or not I was going to reenlist or  
11:39 10 not during that time.

11:39 11 Q. Why -- why did you have second thoughts about  
11:39 12 whether you should reenlist?

11:39 13 MR. DIEDERICH: Objection; leading.

11:39 14 MS. KUNG: Q. Did you -- did you have second  
11:39 15 thoughts about whether to reenlist or not?

11:39 16 A. Yes. I -- when I got back from the deployment,  
11:39 17 I was really considering whether or not to stay in that  
11:39 18 job or to get out, and one of the big reasons for me to  
11:39 19 consider getting out was Don't Ask, Don't Tell. I  
11:39 20 wasn't sure if I was prepared to do a career under that  
11:39 21 policy. I wasn't sure if I had it in me to continue  
11:39 22 lying for 20 years of a retirement, you know. It was  
11:39 23 something that was a big factor in my decision of  
11:40 24 whether or not I should reenlist or not.

11:40 25 Most of the supervisors had told me that I was



11:40 1 the kind of person the Air Force needed. They said that  
11:40 2 I had a bright future in the Air Force. They said I  
11:40 3 needed to consider staying in the Air Force, and the  
11:40 4 whole time I can never openly tell them, "Well, I have  
11:40 5 this issue. This is why I -- I don't want to stay in  
11:40 6 the Air Force."

11:40 7 And many times they'd want to know. "Well,  
11:40 8 what are your -- why -- why are you considering getting  
11:40 9 out?" Well, I couldn't tell them why I was considering  
11:40 10 to get out.

11:40 11 And as time went on, I did -- I loved the Air  
11:40 12 Force. I wanted to stay in, but it was just this law  
11:40 13 that I was struggling with. And in time, I had decided  
11:40 14 that if I could at least get a new job that would  
11:40 15 require me to -- to be more active, to deploy more, have  
11:40 16 a higher operation tempo, that would prevent me from  
11:41 17 struggling with my personal life, that I'd put my energy  
11:41 18 and attention into the job, rather than in this  
11:41 19 environment. Having worked in a laboratory Monday  
11:41 20 through Friday, with it being very family oriented, with  
11:41 21 barbecues and weekends and getting together, and that  
11:41 22 kind of stuff, I was looking for a less traditional role  
11:41 23 that would help me serve my country, stay in the Air  
11:41 24 Force, but be easier under the law of Don't Ask, Don't  
11:41 25 Tell.

11:41 1 Q. And did you ultimately reenlist?

11:41 2 A. Yes, I -- I did ultimately reenlist for the  
11:41 3 purpose of changing my job, which was to C-130  
11:41 4 Loadmaster.

11:41 5 Q. And so, you -- you reenlisted as a C-130  
11:41 6 Loadmaster. Did you have to do additional training?

11:41 7 A. Yes. So, at the -- around the last quarter of  
11:41 8 2006 is when I was accepted to cross -- what we call  
11:41 9 "cross train" into C-130 Loadmaster. In doing so, I had  
11:42 10 to extend out and reenlist for that additional training.  
11:42 11 That training lasted from November of 2006 to June of  
11:42 12 2007.

11:42 13 Q. And what is a C-130 Loadmaster do?

11:42 14 A. A C-130 Loadmaster -- I was responsible for the  
11:42 15 unloading and offloading of the cargo on a C-130  
11:42 16 aircraft. It's a four-propeller cargo aircraft, and we  
11:42 17 would -- it's a smaller airframe, as far as a C-17 and a  
11:42 18 C-5 is concerned. It's usually used in tactile  
11:42 19 environments, down range. It moves -- now, I'm trying  
11:42 20 to remember my training. It moves somewhere around five  
11:42 21 pallets of cargo or around 74 personnel troops. And I  
11:42 22 do the weight and balance of the aircraft for the  
11:43 23 pilots, is what he uses for his calculations for takeoff  
11:43 24 and landing.

11:43 25 And we just manage the back end. We do

11:43 1 airdrops. We'll go and conduct personnel airdrops or  
11:43 2 cargo airdrops, and we do night operations, day  
11:43 3 operations. It's all geared towards being an air crew  
11:43 4 member, working together with the team to deliver air  
11:43 5 power.

11:43 6 Q. So what are C-130s primarily used for?

11:43 7 A. It's used for cargo and personnel movement.  
11:43 8 It's -- it's high -- it's being used quite often during  
11:43 9 my deployment in Iraq to move personnel and cargo from  
11:43 10 base to base, preventing the movement by convoys. It's  
11:43 11 a safer route of travel.

11:43 12 Q. Are C-130s used in combat?

11:43 13 A. Yes. Yes, they are.

11:43 14 Q. So you testified earlier that you sought to  
11:44 15 change jobs because it might help you serve under Don't  
11:44 16 Ask, Don't Tell.

11:44 17 Did you think that being a C-130 Loadmaster  
11:44 18 would -- would make it easier to serve under Don't Ask,  
11:44 19 Don't Tell?

11:44 20 A. That was my initial thought.

11:44 21 Q. And how so?

11:44 22 A. I thought it would be easier to serve under  
11:44 23 Don't Ask, Don't Tell, because it -- I knew it to be a  
11:44 24 high-demand deployment for that career field. So  
11:44 25 joining that -- that career field, I knew that most of

11:44 1 my time would be spent on missions. I would be gone  
11:44 2 away from my personal life back home, and that I'd be  
11:44 3 flying, you know, down range in Iraq.

11:44 4 I'd be flying, whether it's humanitarian  
11:44 5 missions in Europe, being assigned to Germany, those  
11:44 6 kind of -- that and training. We'd go on what we call  
11:45 7 "off-station trainers," so we'd leave Germany, and we'd  
11:45 8 go to several other places. So I just knew that I'd be  
11:45 9 involved away from base, away from my personal life  
11:45 10 more.

11:45 11 Q. Upon completion of your training in June 2007,  
11:45 12 were you assigned somewhere?

11:45 13 A. Yes. After my completion in June 2007, I was  
11:45 14 then reassigned to Ramstein Air Base Germany, but in the  
11:45 15 37th Airlift Squadron.

11:45 16 Q. And while stationed at Ramstein, did you deploy  
11:45 17 with the 37th Airlift Squadron?

11:45 18 A. Yes, I did. I did do a deployment with the  
11:45 19 37th.

11:45 20 Q. Where did you go?

11:45 21 A. We were deployed to Iraq to conduct combat  
11:45 22 missions into Iraq.

11:45 23 Q. And when did you conduct these combat missions?

11:45 24 A. That was from -- that was from Dec- --  
11:45 25 December, 2007 to April, 2008.

11:46 1 Q. Is that a consecutive deployment, or did you go  
11:46 2 various times to Iraq?

11:46 3 A. That was consecutive.

11:46 4 Q. Okay. Please describe who you flew with during  
11:46 5 these missions.

11:46 6 A. I flew with my crew. We had a set crew. We  
11:46 7 had our pilot, which was a male captain. We had our  
11:46 8 copilot, which was a female captain. She flew the first  
11:46 9 two months while we were there, and then she was  
11:46 10 replaced by another female captain, copilot. Well,  
11:46 11 actually, I think they were lieutenants at the time,  
11:46 12 first lieutenants.

11:46 13 And so, we had those two females, and then we  
11:47 14 had a navigator, another captain. And then we had a  
11:47 15 Staff Sergeant as our engineer, male. And then we had  
11:47 16 myself and another male Staff Sergeant Loadmaster.  
11:47 17 There were seven of us. Six of us flew at one time.

11:47 18 Q. And you testified to flying combat missions.  
11:47 19 What are "combat missions"?

11:47 20 A. We would fly -- anything in the combat zone is  
11:47 21 usually considered a combat mission, as far as the  
11:47 22 flights are concerned. We usually have to -- I believe  
11:47 23 we have to land technically in a combat zone for it to  
11:47 24 be a combat mission. That was our -- that was our  
11:47 25 biggest threat, is landing and takes off -- take offs.

11:47 1 We're at a low altitude, so we're at risk of being shot  
11:47 2 down. That is one of the risks, which is why it's  
11:47 3 considered a combat mission.

11:47 4 We have defensive maneuvers, but we do not --  
11:47 5 besides our own personal weapons that we're strapped  
11:47 6 with for hijacking purposes, we don't have other weapon  
11:48 7 systems on the aircraft. So we're just more at risk  
11:48 8 of -- of being vulnerable, and it's considered combat  
11:48 9 because of the hazards and risks in that area.

11:48 10 Q. How many combat missions did you fly with the  
11:48 11 37th?

11:48 12 A. We flew 61 combat missions.

11:48 13 Q. Did you ever encounter any hostile action?

11:48 14 A. Yes. We've reacted over a dozen times to  
11:48 15 defensive warnings and flares that had been triggered.  
11:48 16 We did have one, for sure, eyes on a missile that was  
11:48 17 shot at us. So in our reports it does show that we --  
11:48 18 we definitely had been subject to hostile fire.

11:48 19 Q. During those times of hostile action, in your  
11:48 20 experience, was there a time to think about a crew  
11:48 21 member's sexual orientation?

11:49 22 A. Well, no. There's --

11:49 23 MR. DIEDERICH: Objection; leading.

11:49 24 MS. KUNG: Q. You may answer.

11:49 25 A. In that time, in this particular incident, too,

11:49 1 which is the most scary incident that we had as a  
11:49 2 crew -- when our navigator had eyes on the missile,  
11:49 3 being shot at us --

11:49 4           Sorry. I didn't know this was going to happen.

11:49 5           Okay. So, in that moment of knowing that we  
11:49 6 were under attack, we -- our defense flares had -- our  
11:49 7 defense flares had activated, and there was --  
11:49 8 there's -- there's no other thought but implementing our  
11:49 9 procedures and how we're trained, so -- god.

11:49 10           So, what was important was that we were --  
11:49 11 continued communication. We had to know every --  
11:49 12 everyone has a different point of view in the aircrafts.  
11:50 13 You've got the pilots that are pretty much looking  
11:50 14 forward at twelve o'clock, and you've got your navigator  
11:50 15 that's checking the one to three o'clock. You've got me  
11:50 16 and the other Loadmaster in the back checking the back  
11:50 17 end, and you've got our engineer checking out the other  
11:50 18 side.

11:50 19           So we're all on -- you know, communicating with  
11:50 20 each other to give eyes on the situation, so that we  
11:50 21 know and we can instruct the pilot in the proper  
11:50 22 maneuvers. I can't go into much detail as far as the  
11:50 23 checklist, because it is secret, in as far as what we're  
11:50 24 trained in our procedures. But the main basis is, we --  
11:50 25 we then kick into our training.

11:50 1           What's important is that we follow our  
11:50 2 checklist and we do what we're supposed to do, so that  
11:50 3 we can land the aircraft safely and fast. We -- like I  
11:50 4 said, we have no defensive weapons, you know. All  
11:50 5 we're -- we're just -- we're vulnerable. We're at risk.  
11:50 6 It only takes one shot to take us out, so what's  
11:50 7 important is that everyone comes together, does what  
11:51 8 they're trained to do, and we land that bird safely.

11:51 9           We also have passengers on there that we had  
11:51 10 to, you know, consider and take care of at the same  
11:51 11 time. So there's a lot going on in that -- in those few  
11:51 12 moments, that there is nothing -- nothing is going  
11:51 13 through your head but doing your job and getting that  
11:51 14 plane landed.

11:51 15         Q.    Thanks for sharing your story about that  
11:51 16 stressful situation.

11:51 17           As a result of -- of your -- your duties on  
11:51 18 deployment in Ramstein with the 37th, were you awarded  
11:51 19 any medals or commendations?

11:51 20         A.    Yes. On our return, we were awarded two air  
11:51 21 medals for our combat missions, the 61 combat missions  
11:51 22 that we had conducted down range. That award was in  
11:51 23 reflection to us working together as a team in face of  
11:51 24 those risks, in face of those hostile actions, and we  
11:52 25 were awarded the air medal as such.



11:52 1 Q. Mr. Loverde, when you served as a C-130  
11:52 2 Loadmaster, did you ever serve alongside civilians?

11:52 3 A. Yes. During my training in Little Rock Air  
11:52 4 Force Base in Arkansas, I was instructed by civilian  
11:52 5 employees. They were contracted through Lockheed  
11:52 6 Martin, and they would take us out into the aircraft and  
11:52 7 they would be our instructors for training.

11:52 8 Also, when I was assigned to Ramstein Air Base,  
11:52 9 we -- most of our support positions were civilian, so  
11:52 10 our deployment manager, who is responsible for all of  
11:52 11 our requirements to be up-to-date, he was our point of  
11:52 12 contact to go through for all of our appointments for  
11:52 13 deployment. We also had a secretary for the squadron  
11:52 14 commander that we'd go through for appointments as well,  
11:53 15 and she was civilian.

11:53 16 We also had several other civilian positions  
11:53 17 that worked in the office support areas in various  
11:53 18 different positions. So for a flier, you always go to  
11:53 19 these offices, mostly for appointments, your upgrade  
11:53 20 training, anything -- any other requirements you have to  
11:53 21 meet, it's all done through these civilians.

11:53 22 Q. And also serving as a C-130 Loadmaster, did you  
11:53 23 ever work with members of foreign militaries?

11:53 24 A. Yes. We -- especially being in Germany, being  
11:53 25 a NATO base, we conducted a lot of the personnel

11:53 1 airdrops for the German and Italian militaries. They  
11:53 2 would come onto our aircraft, and we would take them in  
11:53 3 the air, and we would get them their proficiency jumps.  
11:53 4 And we were flying on the same aircraft together, doing  
11:53 5 the same mission, training missions together.

11:53 6 Also, we would do a lot of off-station training  
11:53 7 missions where Germany had restrictions to noise levels  
11:53 8 and curfews, so we would usually go off to another  
11:54 9 country that had less regulations where we can conduct  
11:54 10 night operations and night training. One of those areas  
11:54 11 was in Israel, so we had went to Israel for -- I was  
11:54 12 part of a ten-day mission out there, where we flew with  
11:54 13 the Israelis. They flew on our aircraft. We flew on  
11:54 14 their aircraft.

11:54 15 There was a cultural day where they had brought  
11:54 16 us in, and they had shared their military history and  
11:54 17 stories with us, and we partook in their -- in their  
11:54 18 kosher meals. And we also went on a sightseeing trip in  
11:54 19 Jerusalem and the -- those -- it's around the Dead Sea  
11:54 20 in those surrounding areas there. So we were very much  
11:54 21 working with foreign militaries at different points in  
11:54 22 time.

11:54 23 Q. And do you know whether members of the Israeli  
11:54 24 military can serve openly as gay or lesbian?

11:55 25 A. Yes, they can.

11:55 1 Q. Did you personally serve with any during your  
11:55 2 time as a C-130 Loadmaster?

11:55 3 A. I served with --

11:55 4 MR. DIEDERICH: Objection; foundation.

11:55 5 THE WITNESS: -- Israeli --

11:55 6 MS. KUNG: Q. Do you know whether you served  
11:55 7 with any gay or lesbian Israeli members?

11:55 8 A. I don't know if they were gay or lesbian.

11:55 9 Q. And regarding the whole experience of serving  
11:55 10 with some foreign military, how did your fellow unit  
11:55 11 members react to service with foreign members?

11:55 12 A. There was -- most people would react in a  
11:55 13 positive light. They were excited to work with foreign  
11:55 14 military. It was something they looked forward to. It  
11:55 15 was something different and interesting, and most people  
11:55 16 would actually go to our schedulers and ask to be on  
11:55 17 those missions, because they wanted to work with foreign  
11:55 18 military.

11:55 19 Q. Mr. Loverde, you testified earlier, when you  
11:55 20 spoke about reenlisting, that you thought becoming a  
11:55 21 C-130 Loadmaster would make it easier for you to serve  
11:56 22 under Don't Ask, Don't Tell. Did that turn out to be  
11:56 23 the case?

11:56 24 A. No. It was much worse. I -- I had thought  
11:56 25 because I'd be so busy that, you know, I wouldn't have

11:56 1 time for my personal life, and that that -- so it  
11:56 2 wouldn't be a factor. What I didn't factor in is, we  
11:56 3 spend so much time together and there was so much  
11:56 4 downtime, so -- especially being deployed, you're flying  
11:56 5 for -- you know, your missions could be around 14 hours  
11:56 6 a day, and in that time you're on the ground, you're in  
11:56 7 the air for an hour or two at a time, where you're just  
11:56 8 waiting for, you know, to get to your destination, or  
11:56 9 you're waiting for your cargo to arrive.

11:56 10 There's all this wait time where everyone sits  
11:56 11 around and they -- and they talk. And what do they talk  
11:56 12 about? They talk about home. They talk about their  
11:56 13 wives back home, their kids back home, their husbands  
11:56 14 back home, their dogs back home, and they share. And  
11:56 15 when they go around in the circle, everyone shares. It  
11:56 16 always gets to me, and then there's the questions of,  
11:56 17 "Well, what did you leave behind? What do you miss?"

11:57 18 And I can -- and I can't say anything, and it  
11:57 19 was daily. It was constant. There was always this  
11:57 20 downtime of -- people want to know. They want to  
11:57 21 converse with you, and I had to put these walls up. I  
11:57 22 had to paint myself as a very boring person who had no  
11:57 23 interests, no comment. I couldn't speak of anything.  
11:57 24 And at some point, where it got so stressful for me,  
11:57 25 when we'd get back from deployment, or from our mission

11:57 1 in Iraq, I'd get back to Kuwait, and we would have this  
11:57 2 downtime, what we called "crew res-" -- "crew rest"  
11:57 3 before our next mission.

11:57 4 And in that time, we'd go out and we'd eat  
11:57 5 together. We'd go to the movie theaters together. We  
11:57 6 would play Rock Band together. There's just all this --  
11:57 7 all this comradery that we would spend time with and  
11:57 8 eventually it got too hard for me to not disclose myself  
11:57 9 that I just stopped -- I started to avoid them. I  
11:57 10 really liked them. I respected them. This was a great  
11:57 11 group of people, but I felt that I couldn't put them in  
11:58 12 a situation where if I disclosed anything, then I'm  
11:58 13 going to burden them with that secret.

11:58 14 So I stopped hanging out with them. I started  
11:58 15 to avoid them, and then they nicknamed -- they nicknamed  
11:58 16 me "Vapor," because as soon as we hit the ground, I  
11:58 17 would disappear. So it was definitely -- it was very  
11:58 18 divisive more so in this environment than in my last  
11:58 19 job.

11:58 20 MS. KUNG: This -- this might be a good time  
11:58 21 for a break.

11:58 22 THE VIDEOGRAPHER: We are off the record at  
11:58 23 11:58 a.m.

11:58 24 (Recess taken.)

12:04 25 THE VIDEOGRAPHER: We're back on the record at

12:04 1 12:04 p.m.

12:04 2 MS. KUNG: Q. Mr. Loverde, during your  
12:04 3 military service, did you ever experience any negative  
12:04 4 sentiment towards yourself or gay service members in  
12:04 5 general?

12:04 6 MR. DIEDERICH: Objection; vague.

12:04 7 MS. KUNG: Q. Did you -- did anybody in the  
12:04 8 military ever express anything negative towards you as a  
12:05 9 gay person or negative towards gay people in general?

12:05 10 MR. DIEDERICH: Objection; hearsay.

12:05 11 MS. KUNG: Q. You may answer.

12:05 12 A. For me, I never felt anyone directly harassing  
12:05 13 me in any way or have any type of negative sentiment. I  
12:05 14 was -- I was around a flight chief in my last squadron  
12:05 15 who made openly homophobic remarks quite often, and so  
12:05 16 even though I didn't feel it was directed at me, I was  
12:05 17 in his presence, where it was something that emotionally  
12:05 18 affected me often.

12:05 19 Q. Was this flight chief in your chain of command?

12:05 20 A. Yes, he was -- he was a Senior Master Sergeant  
12:05 21 that was responsible for all the Loadmasters. He was in  
12:05 22 our -- he was in our direct chain of command.

12:05 23 Q. And did his comments bother you?

12:06 24 A. Yeah, quite often. I mean, it was comments  
12:06 25 that he would use, such -- I mean, he would use the word

12:06 1 "fag" a lot. He would -- when we would do our physical  
12:06 2 training, we'd get together and do stretches. He -- he  
12:06 3 would make the comment that he wanted to go to the side  
12:06 4 to bend over and stretch, and he'd make the quote that  
12:06 5 he didn't want his ass raped.

12:06 6 So it was these kind of comments that he would  
12:06 7 make sev- -- often in regards to his fear of  
12:06 8 homosexuality, and it was something that I can never  
12:06 9 address, but it was quite often.

12:06 10 Q. Did you ever voice any complaints regarding his  
12:06 11 comments?

12:06 12 A. I never officially made a report. I didn't  
12:06 13 feel like I could make a report. In the -- in -- during  
12:06 14 my discharge proceedings, I had mentioned to my  
12:06 15 commander that that was an issue.

12:07 16 Q. What did you mention to your commander?

12:07 17 A. I had told -- my commander had asked me,  
12:07 18 specifically when I came out to him and we were talking  
12:07 19 about me being gay. He said he was concerned if I was  
12:07 20 being harassed in any way, if anybody was making any  
12:07 21 comments toward me that -- that he should know about.

12:07 22 And that's when I had told him. I said,  
12:07 23 "Well, this sergeant had made these several comments,  
12:07 24 and he -- it is something that he consistently does as  
12:07 25 part of his personality, and he said that he would take

12:07 1 care of it. He also said if anyone -- if anyone else  
12:07 2 ever brings it up, to come to him and he would take care  
12:07 3 of it. That wasn't acceptable.

12:07 4 Q. And what did your commander do in response?

12:07 5 A. My first sergeant had told me that he had  
12:07 6 talked to this sergeant, and a couple of days after our  
12:07 7 conversation, that sergeant had come up to me, and he  
12:07 8 had said that he was aware of what was going on, that  
12:07 9 the commander had spoken to him, and that even though  
12:08 10 I --

12:08 11 He had told me that he knew that I wouldn't go  
12:08 12 to him normally for support, but he wanted to let me  
12:08 13 know in that time that he's there for me to help me, if  
12:08 14 I need his help. And so, he acknowledged that we had  
12:08 15 tension before, and now, after being spoken to, he was  
12:08 16 more open to working with me and being there to support  
12:08 17 me in my transition.

12:08 18 Q. And to clarify, when you're saying he is here  
12:08 19 to support you, who is "he" that you're talking about?

12:08 20 A. Senior Master Sergeant Broughmann is his name.  
12:08 21 He was my flight chief in the Loadmaster flight.

12:08 22 Q. Is he the one --

12:08 23 A. I had an issue -- that issue with all the  
12:08 24 homophobic remarks.

12:08 25 Q. Okay. And you just testified that you came out



12:08 1 to your commander. When did you do this?

12:08 2 A. Well, I -- on my return from the deployment to  
12:08 3 Kuwait I had sent an e-mail to my first sergeant. That  
12:08 4 e-mail stated that I had an issue with Don't Ask, Don't  
12:09 5 Tell. I felt that it was unfair for me to lie to my  
12:09 6 crew members and myself, and that I couldn't any longer  
12:09 7 abide by that law, and that I was, in fact, a gay man.  
12:09 8 And that e-mail was then forwarded to my commander from  
12:09 9 my first sergeant, and this was the end of April 2008.

12:09 10 Q. Why did you decide at this particular moment in  
12:09 11 April of 2008 to write that e-mail to your first  
12:09 12 sergeant?

12:09 13 A. I actually was -- I had decided to come out  
12:09 14 when I was deployed. That's when I realized the stress  
12:09 15 of keeping myself closeted and protected under Don't  
12:09 16 Ask, Don't Tell was too much for me to handle. That it  
12:09 17 was -- that it was dividing my crew, and that it was  
12:09 18 something that I had to address when I got back. I  
12:09 19 didn't address it while I was deployed, because I knew  
12:10 20 the consequence of coming out.

12:10 21 I knew that if I had come out, that there's  
12:10 22 most likely a possibility that my commander would pull  
12:10 23 me from my crew and send me back to Germany. And if he  
12:10 24 had done that, our crew would be down. You need to have  
12:10 25 all of your crew members to fly those missions. And at

12:10 1 that time, we had one Loadmaster who broke his arm. He  
12:10 2 was getting replaced of -- from someone from Germany as  
12:10 3 well.

12:10 4 Our flight chief, who was down there for  
12:10 5 administration purposes, had to fill that, that  
12:10 6 Loadmaster's position, because he had broken his arm.  
12:10 7 We had no extra Loadmasters down there. So I knew if I  
12:10 8 addressed it while I was deployed, that my whole crew  
12:10 9 would be grounded, and it would be two to three weeks  
12:10 10 before they could get me replaced. I didn't want to  
12:10 11 hinder the mission by me coming out and that being a  
12:10 12 possible consequence for it.

12:10 13 So that's why April, when -- upon my return to  
12:10 14 Germany, that's when I -- I knew that I was going to be  
12:11 15 scheduled for future deployments. I knew that was the  
12:11 16 makeup of that squadron. We would deploy for four  
12:11 17 months. We'd come back for four or eight months before  
12:11 18 we'd deploy again. So I felt the sooner I addressed it  
12:11 19 upon my return to Germany would be the best for the  
12:11 20 military and minimize its -- minimize the consequences  
12:11 21 of me being pulled.

12:11 22 MS. KUNG: And I'd like to mark this Document  
12:11 23 as Exhibit 1.

12:11 24 For the record, I'm showing Exhibit 1 to Mr.  
12:11 25 Diederich.

12:11 1 (Whereupon, Plaintiff's Exhibit No. 1 was  
12:11 2 marked for identification.)

12:11 3 MS. KUNG: Q. Mr. Loverde, the court  
12:11 4 reporter has handed you Plaintiff's Exhibit 1.

12:11 5 Do you recognize this document?

12:11 6 A. Yes.

12:11 7 Q. Is that your e-mail address,  
12:11 8 anthony.loverde@Yahoo.com?

12:12 9 A. That is correct.

12:12 10 Q. And who is jon.welch@ramstein?

12:12 11 A. That was my first sergeant with the 37th  
12:12 12 Airlift Squadron.

12:12 13 Q. And what do you recognize this document to be?

12:12 14 A. This was the E-mail I had sent upon my  
12:12 15 return from my deployment. It was an e-mail to my first  
12:12 16 sergeant, stating that I was gay and I was struggling  
12:12 17 under the Don't Ask, Don't Tell law. I felt I couldn't  
12:12 18 any longer abide by its policy.

12:12 19 MS. KUNG: Counsel, for the record, we will  
12:12 20 plan to seek admissibility of this exhibit.

12:12 21 MR. DIEDERICH: Okay.

12:12 22 Do you want me to state objections now, or do  
12:12 23 you want me to preserve them? I don't know if you guys  
12:12 24 want to do exhibits now or wait.

12:12 25 MS. DUNNE: I think it's just better for -- I

12:12 1 mean, just similar to the -- just objection, blah,  
12:12 2 blah -- I mean --

12:12 3 MS. KUNG: If you want to state them -- if you  
12:12 4 want to state them --

12:12 5 MR. DIEDERICH: Yeah. We object to relevance,  
12:12 6 but --

12:13 7 MS. KUNG: Q. Mr. Loverde, you said that Jon  
12:13 8 Welch was your first sergeant. How do you know that  
12:13 9 your commander received this e-mail?

12:13 10 A. Jon Welch had called me a day or two after I  
12:13 11 had sent it, and he let me know that he had forwarded it  
12:13 12 to the commander, and that the commander was wanting to  
12:13 13 speak with me as well. This was during our two-week  
12:13 14 time off they give us for integration.

12:13 15 So at that time, I was actually visiting a  
12:13 16 friend in the Netherlands, and I had told Sergeant Welch  
12:13 17 that I would return back to Germany within a day or two.  
12:13 18 And he said that was fine. It wasn't a rush, but come  
12:13 19 back and talk to the commander, because the commander  
12:13 20 did want to speak to me -- and that's when I had -- was  
12:13 21 called into his office.

12:13 22 Q. And what happened when your commander called  
12:13 23 you into his office?

12:13 24 A. I --

12:13 25 MR. DIEDERICH: Just, I object to hearsay. I

12:13 1 don't know what he's going to say, but --

12:14 2 MS. KUNG: Okay.

12:14 3 THE WITNESS: So the commander asked me if --  
12:14 4 he showed me this same document printed out, and he  
12:14 5 said, "Is this your e-mail that you sent me?"

12:14 6 And I said, "Yes, that is my e-mail. That is  
12:14 7 from my e-mail account. This is -- this is from me."

12:14 8 And so he had me confirm the e-mail, that it  
12:14 9 was me that -- who had sent it, and that that was my  
12:14 10 intention to have it sent to him. After confirming  
12:14 11 that, he then asked me -- well, he told me. He said  
12:14 12 that he doesn't know what to do about this e-mail. He  
12:14 13 doesn't know what's going to happen, but I was the first  
12:14 14 person for him to have to deal with -- under Don't Ask,  
12:14 15 Don't Tell, as far as making a statement or any such  
12:14 16 matter.

12:14 17 So he said he was going to contact the legal  
12:14 18 office. And whatever the legal office advised him, he  
12:14 19 would let me know the further actions that they may or  
12:14 20 may not take, but at that time he did not -- he just  
12:15 21 said in the future we'll have another meeting to go over  
12:15 22 what may happen.

12:15 23 MS. KUNG: Q. After the two-week integration  
12:15 24 period that you mentioned, did you return back to work?

12:15 25 A. Yes.

12:15 1 Q. And what happened as a result of the meeting  
12:15 2 with your commander regarding your e-mail?

12:15 3 MR. DIEDERICH: Objection; speculation.

12:15 4 MS. KUNG: Q. You may answer.

12:15 5 A. So after I had talked to my commander, he said,  
12:15 6 you know, go back home and enjoy my integration time and  
12:15 7 get my affairs in order and report back to work when my  
12:15 8 integration was over. So I came back to work, and they  
12:16 9 had me come into the office, and they said they still  
12:16 10 haven't heard back from legal on their actions.

12:16 11 And they said to maybe take a couple more days,  
12:16 12 if I wanted to, but they weren't going to put me on any  
12:16 13 flight schedule until they heard for sure what was going  
12:16 14 to happen. And -- but I just -- you know, a few more  
12:16 15 days went by, and then I came back.

12:16 16 And then they said, "Well, we're not going to  
12:16 17 just have you sit at home, so we're just going to create  
12:16 18 this job for you." And they made me come in and sit at  
12:16 19 a desk and told me that I'd help other service members  
12:16 20 coming back from deployment or trips, and I'd help them  
12:16 21 file for their reimbursements through this software  
12:16 22 program that we had.

12:16 23 And so, I sat at this desk waiting for people  
12:16 24 to show up with reimbursements, and nobody showed up.  
12:16 25 So I just sat there talking to other office workers and

12:16 1 flight members that came in and out of the office, and  
12:16 2 that was my new job, just to sit at a desk.

12:17 3 Q. So as a result of your coming out through  
12:17 4 e-mail, why were you not able to fly anymore?

12:17 5 MR. DIEDERICH: Objection; speculation.

12:17 6 MS. KUNG: Q. As a result of your -- the  
12:17 7 e-mail coming out, why was a new job created for you?

12:17 8 MR. DIEDERICH: Same objection.

12:17 9 MS. KUNG: Q. You may answer.

12:17 10 A. The -- I was told by my first sergeant that  
12:17 11 they wanted me to earn my paycheck. So I was getting  
12:17 12 paid, but they also didn't want me to sit at home  
12:17 13 waiting for the legal office to come to a decision.  
12:17 14 They also didn't want to fly me, because if legal came  
12:17 15 back and said that I was supposed to be discharged, they  
12:17 16 were under the impression it would be fast. And they  
12:17 17 didn't want me to be in Africa. They didn't want me to  
12:17 18 be in the Middle East doing whatever missions that would  
12:17 19 come up. They just wanted me home, staying there.

12:17 20 My job was to fly. That was my only job, and  
12:17 21 they didn't want me to do that job, because they weren't  
12:18 22 sure of my future as a military member of that squadron,  
12:18 23 so that's why they created the job, and that's why I was  
12:18 24 sitting at a desk.

12:18 25 Q. And what month was it that you started this new

12:18 1 job at the desk?

12:18 2 A. This was early in May 2008.

12:18 3 Q. At what point were you informed that you had  
12:18 4 been placed in discharge proceedings?

12:18 5 A. I was told somewhere around the end of May, or  
12:18 6 in that time frame, that I was going to be discharged.  
12:18 7 But still I didn't receive discharge orders, which is  
12:18 8 the final order for me to out process, to do all my  
12:18 9 appointments, to pack up and get everything shipped back  
12:18 10 home. But I was told that the decision was for me to be  
12:18 11 discharged somewhere around the end of May.

12:18 12 Q. How many months did you continue to serve at  
12:18 13 this desk job until you were actually discharged?

12:19 14 A. From -- so from May -- early May 2008 I was  
12:19 15 doing this desk job, and I didn't -- I continued doing  
12:19 16 that all the way up to my departure from Ramstein, which  
12:19 17 was the middle of July 2008.

12:19 18 Q. And following your disclosure of being gay in  
12:19 19 the e-mail that you sent to your first sergeant in  
12:19 20 command, did you then continue to conceal your sexual  
12:19 21 orientation from other service members?

12:19 22 A. Absolutely not. Since the decision was made  
12:19 23 and I knew I was being discharged, I openly discussed  
12:19 24 what was going on. It was -- most of the fliers would  
12:19 25 come in and report to the office before going out on



12:19 1 mission, and it was odd for them to see me, that they  
12:19 2 knew was a Loadmaster, that they knew was flying -- I  
12:19 3 was wearing my flight suit, and they were wondering why  
12:19 4 I was sitting at a desk.

12:19 5           So quite often they'd say, "Well, what are you  
12:19 6 doing?"

12:19 7           And I'd say, "Well, they're making me sit here  
12:19 8 because I'm being discharged for being gay," and I  
12:19 9 started spreading the word that way, because that's what  
12:20 10 they asked me, and that was the answer. So I had no --  
12:20 11 there was no reason for me to conceal at that point,  
12:20 12 because I was being discharged. And so, everyone I had  
12:20 13 come into contact with, for whatever reason, I just  
12:20 14 openly shared that I was being discharged for being gay.

12:20 15           Q.    And what did you anticipate their reactions to  
12:20 16 be to the news that you were being discharged?

12:20 17           A.    Actually, I didn't anticipate, like, really  
12:20 18 anything, except for that, you know, they would -- you  
12:20 19 know, they would just accept that as a matter of fact.  
12:20 20 And it was quite funny to see that most of them were  
12:20 21 just upset to hear that I was being discharged. They  
12:20 22 were making comments to say in very crass words being --  
12:20 23 this being bullshit, and several other choice words.

12:20 24           And so, they were very negative to the fact  
12:20 25 that I was getting discharged, that the Air Force was

12:21 1 kicking me out. That's what they were upset about. And  
12:21 2 then as people would react, most peop- -- most people,  
12:21 3 if not everybody, had said that they always suspected.  
12:21 4 They always suspected I was gay. There wasn't -- it  
12:21 5 wasn't news to them, even my first sergeant, who I came  
12:21 6 out to. He said, "I knew the first day I met you."

12:21 7 It was -- it was a nonissue to everyone, as far  
12:21 8 as me being gay. What was upsetting was that I was  
12:21 9 being kicked out.

12:21 10 MR. DIEDERICH: Motion to strike as a narrative  
12:21 11 and nonresponsive, contains hearsay.

12:21 12 MS. KUNG: Q. How did your fellow service  
12:21 13 members actually react when you told them you were being  
12:21 14 discharged under Don't Ask, Don't Tell?

12:21 15 A. They actually reacted in an upset way to -- to  
12:21 16 hear that I was being discharged. They -- they actually  
12:21 17 said that that was bullshit. They actually said that  
12:21 18 this was F'd up. They actually said that, "I can't  
12:21 19 believe the Air Force is getting rid of a really  
12:21 20 outstanding guy." They actually said that, "I would  
12:21 21 serve with you any time, anywhere."

12:22 22 Q. Did any members express happiness or approval?

12:22 23 A. No.

12:22 24 MR. DIEDERICH: Objection; calls for hearsay.

12:22 25 MS. KUNG: Q. Mr. Loverde, as you understand

12:22 1 it, what was your discharge based on?

12:22 2 A. It was based on this e-mail, in which I stated  
12:22 3 that I am a gay man.

12:22 4 Q. And what type of discharge did you ultimately  
12:22 5 receive?

12:22 6 A. I received honorable discharge.

12:22 7 Q. Did you take any steps to help ensure that you  
12:22 8 would receive an honorable discharge?

12:22 9 A. Yes. I knew that once the discharge  
12:22 10 proceedings were going to happen, I was told I'd have a  
12:22 11 three- -- three- to five-day window to -- to rebut it,  
12:22 12 and -- so in -- not knowing when I'd be presented the  
12:22 13 discharge paperwork, I had then contacted all of my past  
12:22 14 supervisors. I said, "I need letters of support. I'm  
12:22 15 going to fight this. I want to stay in."

12:22 16 They all wrote these letters, and I was  
12:23 17 prepared to fight it. As time went on, I realized that  
12:23 18 there was no way I was going to win my retention,  
12:23 19 just -- I could -- I could drag out through the court.  
12:23 20 I can drag it out, and I could stay in maybe another  
12:23 21 year, year and a half, fighting it. But I knew the  
12:23 22 ultimate decision under Don't Ask, Don't Tell was I was  
12:23 23 going to be discharged.

12:23 24 So instead of risking my characterization of  
12:23 25 honorable, I decided that I would sign a waiver to

12:23 1 the -- to the board or trial that I would have been  
12:23 2 offered, and on the condition of accepting honorable.  
12:23 3 So, because of the risks involved of going through the  
12:23 4 courts not knowing -- even though my --

12:23 5 My commander had told me that my  
12:23 6 characterization of honorable wasn't a dispute. They  
12:23 7 weren't arguing that. They knew I had served honorably,  
12:24 8 and they were going to push for honorable. They said my  
12:24 9 character wasn't in question. It was just merely a  
12:24 10 legal matter. So after knowing all this, I thought the  
12:24 11 safest bet was to just accept the waiver.

12:24 12 Q. Did you receive letters of support upon  
12:24 13 requesting them from your past supervisors?

12:24 14 A. Yes. Everyone that I had requested from the  
12:24 15 past had provided letters of support.

12:24 16 MS. KUNG: I'd like to mark this document as  
12:24 17 Exhibit 2. I have Exhibit 3 here. And one more,  
12:24 18 Exhibit 4, and Exhibit 5.

12:24 19 (Whereupon, Plaintiff's Exhibit No. 2, Exhibit No. 3,  
12:24 20 Exhibit No. 4, Exhibit No. 5 was marked for identification.)

12:25 21 MR. DIEDERICH: I'm sorry. I just got handed  
12:25 22 two documents. Can you tell me which one is going to be  
12:25 23 4 and which one is going to be 5?

12:25 24 MS. KUNG: I'm sorry. 4 is --

12:25 25 MS. DUNNE: April 28th.

12:25 1 MS. KUNG: -- Patrick Nutt.

12:25 2 MR. DIEDERICH: Okay.

12:25 3 MS. KUNG: 5 is 2 June 2008.

12:25 4 MR. DIEDERICH: Okay.

12:25 5 MS. KUNG: Q. Mr. Loverde, you've been

12:25 6 handed what's been marked as Plaintiff's Exhibit No. 2.

12:25 7 Do you recognize this document?

12:25 8 A. Exhibit No. 2, yes.

12:25 9 Q. Is this one of the letters that you received in

12:25 10 response to your request?

12:25 11 A. Yes.

12:25 12 Q. And do you recognize the signature at the

12:25 13 bottom?

12:25 14 A. Yes. I had served with him both in Germany and

12:26 15 in my deployment to Qatar.

12:26 16 Q. And please turn to Exhibit No. 3.

12:26 17 MR. DIEDERICH: Ms. Kung, just before you come

12:26 18 off of this exhibit, I just want to make sure. Are you

12:26 19 going to offer these?

12:26 20 MS. KUNG: Oh, yes. Do you want me to do them

12:26 21 one by one?

12:26 22 MR. DIEDERICH: No, no. It's fine.

12:26 23 MS. KUNG: Okay.

12:26 24 MR. DIEDERICH: I was going to say, I assume

12:26 25 you're going to offer all five of them, 2 through --

12:26 1 MS. KUNG: Through 5.

12:26 2 MR. DIEDERICH: 2, 3, 4 and 5.

12:26 3 I'll just state the same objection to all of

12:26 4 them, which is relevance and hearsay.

12:26 5 MS. KUNG: Sure.

12:26 6 Q. I'm sorry, Mr. Loverde. Turning back to

12:26 7 Exhibit No. 2 --

12:26 8 A. Yes.

12:26 9 Q. Who is Richard W. Horn?

12:26 10 A. He's a Senior Master Sergeant who I had worked

12:26 11 with in Qatar. He was my flight chief when we were

12:26 12 deployed. He also was a Master Sergeant at the time in

12:26 13 Germany, which he was one of my supervisors when I

12:26 14 worked in the logistics operation, in that lab.

12:26 15 Q. Okay. And now turning to Exhibit 3, do you

12:26 16 recognize this document?

12:27 17 A. Yes.

12:27 18 Q. Is this also a letter that you received in

12:27 19 response to your request?

12:27 20 A. Yes. This was from Chief Master Sergeant

12:27 21 Yakowenko. He was the flight chief for the Edwards PMEL

12:27 22 in California.

12:27 23 Q. Please turn to Exhibit No. 4.

12:27 24 A. Yes.

12:27 25 Q. Is this another one of the letters you received

12:27 1 in response to your request?

12:27 2 A. Yes. This is Master Sergeant Nutt. I worked  
12:27 3 with him also in Germany in PMEL. He was one of my  
12:27 4 supervisors that also worked in the quality assurance  
12:27 5 department of the lab.

12:27 6 Q. And do you recognize his -- the signature at  
12:27 7 the bottom?

12:27 8 A. Yes, that is -- that is him.

12:27 9 Q. Finally, please turn to Exhibit No. 5. Do you  
12:27 10 recognize this document?

12:27 11 A. Yes.

12:27 12 Q. What is it?

12:27 13 A. This is Master Sergeant Eslinger. He was one  
12:27 14 of my first supervisors at the PMEL in Ramstein. We --  
12:28 15 he actually became one of my mentors throughout my  
12:28 16 career. He was one of the main reasons why I  
12:28 17 reenlisted. He was actually the one who had told me  
12:28 18 that I was the kind of person the Air Force needed to  
12:28 19 retain.

12:28 20 So throughout my seven years, even as I went  
12:28 21 into C-130, he was always involved in my career and a  
12:28 22 mentor to me. He was also stationed in Germany when I  
12:28 23 returned back as a Loadmaster. He was a first sergeant  
12:28 24 in another squadron that we still kept contact with.

12:28 25 Q. And, Mr. Loverde, without telling me what --

12:28 1 what these four individuals said and wrote about, why is  
12:29 2 it that you received these -- these letters of support?

12:29 3 MR. DIEDERICH: Objection; foundation,  
12:29 4 speculation.

12:29 5 THE WITNESS: They -- I received these letters  
12:29 6 because they -- they felt -- they had told me that I  
12:29 7 needed to be retained. They -- they rallied behind me  
12:29 8 to support me. They knew I was being discharged, and  
12:29 9 they felt that even though the law was -- you know,  
12:29 10 required me to be discharged, they felt otherwise. They  
12:29 11 felt that I needed to stay in.

12:29 12 I asked them specifically to help me earn --  
12:29 13 or, you know, ensure that I had an honorable discharge.  
12:29 14 They went beyond that to request that I would be  
12:29 15 retained, so they felt strongly that I shouldn't have  
12:29 16 been discharged.

12:30 17 MS. KUNG: And just for the record, we will  
12:30 18 plan to admit these.

12:30 19 MR. DIEDERICH: Sure, and I'll restate my prior  
12:30 20 objections.

12:30 21 MS. KUNG: Okay.

12:30 22 Q. Mr. Loverde, what were the living conditions  
12:30 23 like at your initial assignment in Ramstein from 2001 to  
12:30 24 2004?

12:30 25 A. I initially was assigned to the dormitory on



12:30 1 base, where I lived in a one-bedroom room with a shared  
12:30 2 bathroom to another room for another airman. We had our  
12:30 3 own separate bedrooms. We shared the same bathroom,  
12:30 4 shower and toilet.

12:30 5 I was in that dormitory for a little over a  
12:30 6 year. And then once I had made the early promotion to  
12:30 7 senior airman, I was authorized to live off base. So I  
12:31 8 moved off base into a German house near Ramstein Air  
12:31 9 Base. I lived there, and then one of my coworkers who  
12:31 10 also made senior airman later moved in with me to  
12:31 11 roommate with me, so we were room-mating in the same  
12:31 12 German household.

12:31 13 Q. And initially you testified that at the dorm  
12:31 14 you shared a bathroom. How many people did you share  
12:31 15 that bathroom with?

12:31 16 A. I shared that bathroom with one other airman.

12:31 17 Q. What were the living conditions like at Edwards  
12:31 18 Air Force Base?

12:31 19 A. Edwards Air Force Base -- I was a Staff  
12:31 20 Sergeant at the time and single, so I was actually  
12:31 21 required to live off base. If you're single and of a  
12:31 22 certain rank, you're not allowed to live on base, at  
12:31 23 least at that base. And so I was living initially in my  
12:31 24 own apartment, and then later on in my -- in my time  
12:32 25 there, I met two other Airmen, one that I knew prior to

12:32 1 Germany and then a new person that I had just met at  
12:32 2 Edwards. The three of us decided to rent a house  
12:32 3 together and save money.

12:32 4 And in the States you're given a living  
12:32 5 allowance, and if you don't spend it, you get to keep  
12:32 6 it. So we took our living allowance, bought a -- rented  
12:32 7 a three-bedroom apartment, and we shared that house  
12:32 8 together.

12:32 9 Q. And what were your living conditions like on  
12:32 10 deployment to Qatar?

12:32 11 A. In Qatar, we had -- they were mobile trailers.  
12:32 12 The room that we -- that I was in -- I had one other  
12:32 13 roommate, so it was me and one other person. We shared  
12:32 14 that room. It was a bunk bed and a -- I think, two wall  
12:32 15 lockers. We had external, what we call, latrines.  
12:33 16 They're the bathrooms and the showers, so there were  
12:33 17 other trailers outside of your bedroom quarters. And  
12:33 18 those were community, so you would go there and there  
12:33 19 would be several stalls for the showers and several  
12:33 20 stalls for the toilets.

12:33 21 Q. Can you clarify what you mean by "stalls for  
12:33 22 showers"?

12:33 23 A. The showers, most of them all had curtains  
12:33 24 divided for single-shower spaces.

12:33 25 Q. And in Qatar, did anyone ever have a problem

12:33 1 sharing a room or showering in your presence?

12:33 2 A. Not --

12:33 3 MR. DIEDERICH: Objection; foundation.

12:33 4 MS. KUNG: Q. You testified that you shared

12:33 5 a trailer -- I'm sorry -- a room in a trailer; is that

12:33 6 correct?

12:34 7 A. That is correct.

12:34 8 Q. Did -- did your roommate ever have a problem?

12:34 9 A. He never --

12:34 10 MR. DIEDERICH: Objection; foundation.

12:34 11 THE WITNESS: -- expressed.

12:34 12 MS. KUNG: Q. And did you shower in the

12:34 13 community latrines in Qatar?

12:34 14 A. Yes, I did shower.

12:34 15 Q. Did anyone have a problem showering in your

12:34 16 presence?

12:34 17 THE WITNESS: There was --

12:34 18 MR. DIEDERICH: Objection; foundation.

12:34 19 MS. KUNG: Q. Were there other people

12:34 20 showering at the time you were showering?

12:34 21 A. Yes, there was other people showering with me.

12:34 22 Q. Did those people ever express a problem to you?

12:34 23 A. There was no problem expressed to me. There

12:34 24 was no actions taken by others to communicate that they

12:34 25 had a problem with me.

12:34 1 Q. Finally, Mr. Loverde, you testified that you  
12:34 2 were deployed while stationed as a C-130 Loadmaster at  
12:35 3 Ramstein. What were your living conditions like on  
12:35 4 deployment to Kuwait?

12:35 5 A. Kuwait, we had -- it was a brick building --  
12:35 6 and the room that I shared with the engineer and the  
12:35 7 Loadmaster, there was three of us in one bedroom, and  
12:35 8 then we had our own bathroom and toilet in that  
12:35 9 facility.

12:35 10 Later in the deployment, we had to move out for  
12:35 11 the new crews to come in and take over our living space.  
12:35 12 And when that happened, we were moved to the tents,  
12:35 13 where I shared a tent for about two weeks with my  
12:35 14 pilots, my engineer, my loadmasters, and some other  
12:35 15 people, too. There was about -- there's about eight of  
12:35 16 us in a tent. And there is wall lockers and beds all  
12:35 17 lined up.

12:35 18 Q. And on deployment to Kuwait, did -- did either  
12:35 19 of the other two members that you shared a bedroom with  
12:35 20 have a problem sharing space with you?

12:36 21 A. No.

12:36 22 MR. DIEDERICH: Objection; foundation.

12:36 23 MS. KUNG: Q. You also testified to sharing  
12:36 24 a tent with eight other members. Did anyone express a  
12:36 25 problem to you with sharing a tent?

12:36 1 A. No. No, there was no expressed discomfort  
12:36 2 sharing facilities with me. Those that wanted privacy,  
12:36 3 they usually hung up a sheet or something around their  
12:36 4 bed, but there was -- there was nothing -- we actually  
12:36 5 got together often to play, like I said, Rock Band. We  
12:36 6 played cards. We played bingo. We got together within  
12:36 7 our tents and outside in other facilities and just  
12:36 8 socialized.

12:36 9 Q. In sum, did you ever encounter any resistance  
12:36 10 from others to either share living space with you or to  
12:36 11 share shower facilities?

12:36 12 A. Not at all.

12:36 13 MR. DIEDERICH: Objection; vague.

12:37 14 MS. KUNG: Q. During the entire time of your  
12:37 15 deployment, did you ever encounter any discomfort from  
12:37 16 others?

12:37 17 A. In all -- in all my deployments and that  
12:37 18 deployment there was no expressed discomfort from  
12:37 19 anybody. I didn't experience a dis- -- someone that was  
12:37 20 uncomfortable around me. I shared these facilities  
12:37 21 often, and it was, again, a nonissue.

12:37 22 Q. And, Mr. Loverde, were you still serving on  
12:37 23 active duty in May 2008?

12:37 24 A. May 2008, yes, I was.

12:37 25 MS. KUNG: I'd like to mark this as Plaintiff's

12:38 1 Exhibit 6.

12:38 2 (Whereupon, Plaintiff's Exhibit No. 6 was  
12:38 3 marked for identification.)

12:38 4 MS. KUNG: Q. Mr. Loverde, do you recognize  
12:38 5 this document marked as Plaintiff's Exhibit No. 6?

12:38 6 A. Yes.

12:38 7 Q. What do you recognize it to be?

12:38 8 A. This was a memorandum sent by our commander in  
12:38 9 Germany, and it was about the equal opportunity memo  
12:38 10 that he had -- that was distributed through our command.

12:38 11 Q. And did you receive this memo?

12:38 12 A. Yes. It was sent through distribution. It was  
12:38 13 something that came across, I believe, in my e-mail.

12:38 14 MS. KUNG: Counsel, we're going to move to  
12:38 15 admit this Exhibit at trial.

12:38 16 MR. DIEDERICH: The only objection is  
12:38 17 relevance.

12:38 18 MS. KUNG: Okay.

12:39 19 Q. Mr. Loverde, did you personally have a reaction  
12:39 20 when you received this May -- May 5th, 2008 memo?

12:39 21 A. Yes. I was personally upset receiving this,  
12:39 22 because I knew the Air Force has been always very  
12:39 23 tolerant of diversity. It's something they train from  
12:39 24 basic training all the way through your career. They  
12:39 25 usually don't touch upon sexual orientation, because

12:39 1 it's -- because of Don't Ask, Don't Tell. That's what  
12:39 2 we were told by one of the officers with the MEO  
12:39 3 Department, the Military Equal Opportunity. They say --  
12:39 4 they have told me before that they don't deal with  
12:39 5 sexual orientation because of Don't Ask, Don't Tell.

12:39 6 So to receive a memo that stated that we -- our  
12:39 7 Airmen and families have the right to live in a work --  
12:39 8 in an environment free of harassment, regardless of  
12:39 9 sexual orientation, I thought that was -- I thought it  
12:40 10 was insulting, because I was at this time being fired  
12:40 11 for being gay. And I also had went through -- I also  
12:40 12 went through harassment in my environment at that  
12:40 13 command in Germany, and there was no recourse for me to  
12:40 14 address that because of Don't Ask, Don't Tell. So I  
12:40 15 found it insulting, and it was -- it upset me.

12:40 16 Q. And this memo, at the top, it states it's from  
12:40 17 the Department of the Air Force, United States Air  
12:40 18 Forces in Europe.

12:40 19 A. That is correct.

12:40 20 Q. In -- in the rest of your service when you were  
12:40 21 stationed stateside, do you recall ever receiving such a  
12:40 22 memo that's comparable, that may contain a similar line  
12:40 23 regarding a work environment free of harassment based  
12:40 24 on --

12:40 25 A. The --

12:41 1 Q. -- based on sexual harassment?

12:41 2 MR. DIEDERICH: Objection; vague.

12:41 3 MS. KUNG: I'm sorry. That was convoluted.

12:41 4 Q. Mr. Loverde, did you receive this memo while

12:41 5 you were stationed at Ramstein?

12:41 6 A. That is correct.

12:41 7 Q. The memo -- the document states that it is from

12:41 8 the United States Air Forces in Europe --

12:41 9 A. Correct.

12:41 10 Q. -- at the top?

12:41 11 A. Yes.

12:41 12 Q. And the subject line is Equal Opportunity and

12:41 13 Mutual Respect.

12:41 14 A. That is correct.

12:41 15 Q. Did you receive a -- any equal opportunity and

12:41 16 mutual respect sort of memos while you were stationed in

12:41 17 the country of the United States?

12:41 18 A. The -- I don't recall receiving, again, any

12:41 19 memo as such. I do recall -- like I've said before, the

12:41 20 Air Force has always been good at addressing diversity

12:42 21 and equal opportunity through many venues. One thing

12:42 22 that came to mind when I was also deployed and coming to

12:42 23 that decision of coming out because of living under

12:42 24 Don't Ask, Don't Tell and the challenges -- one of the

12:42 25 conversations shared with my commander in flight was



12:42 1 that our copilot was going through what they call  
12:42 2 officer training, squadron training of some sort. I'm  
12:42 3 sure the Colonel can speak to that --

12:42 4 But in their training material that prepares  
12:42 5 them to be squadron officers, there was a situation that  
12:42 6 my pilot had recalled to us during one of our flights,  
12:42 7 where it had stated, as an officer, you need to be  
12:42 8 tolerant of these different, you know, diversities of  
12:42 9 national origin, religion, ethnicities and gender, and  
12:42 10 all that stuff. And they said, and the answer to that  
12:43 11 example, they also listed sexual orientation.

12:43 12 So in their training of officers to become  
12:43 13 squadron leaders, squadron officers, they're being  
12:43 14 taught to be tolerant of sexual orientation. And then I  
12:43 15 received this memo that states sexual orientation, and  
12:43 16 this is all at the same time I'm being discharged. But  
12:43 17 prior to this time, I don't recall other -- I've  
12:43 18 received, many times, equal opportunity memos in my  
12:43 19 past, but never to address sexual orientation in other  
12:43 20 commands.

12:43 21 Q. Mr. Loverde, if I recall, your discharge date  
12:43 22 was July 13th, 2008. Is that right?

12:43 23 A. That is correct.

12:43 24 Q. And after you were discharged, what did you do  
12:43 25 for work?

12:43 1 A. After my discharge, I was accepted to go back  
12:44 2 to Iraq, working for a private defense contractor. And  
12:44 3 that's what I've been doing since I've been accepting  
12:44 4 contract work with the Department of Defense.

12:44 5 Q. How long after your discharge did you accept  
12:44 6 this job?

12:44 7 A. It was three weeks. I actually was in the  
12:44 8 process of landing this job during my -- during my  
12:44 9 discharge proceedings. My commander had told me you're  
12:44 10 going to be discharged, so get your affairs in order.  
12:44 11 He'd told me to start applying for jobs. I had applied  
12:44 12 for this job back in May, and I was offered the job in  
12:44 13 June.

12:44 14 At that time, I didn't have a release date, so  
12:44 15 I had to tell the company I wasn't prepared to accept  
12:44 16 the position, because I was still in the military. I  
12:44 17 haven't been released. I had told the company that I'm  
12:44 18 being discharged for being gay, and the way that the  
12:44 19 procedures are, is I'm just waiting for that final  
12:44 20 release, that order to be discharged.

12:44 21 They said they could -- they were patient.  
12:44 22 They had a window. That was fine. They -- I had just  
12:45 23 called them every week to give them an update, whether  
12:45 24 or not I was discharged or not, so they worked with me.  
12:45 25 Once I finally got discharged, I asked them, I said,

12:45 1 "Well, can I have three weeks to at least visit my  
12:45 2 family and say good-bye, and then go and do this job in  
12:45 3 Iraq?" And they let me do that.

12:45 4 Q. And what company hired you?

12:45 5 A. KBR.

12:45 6 Q. What is KBR?

12:45 7 A. It's a private defense contractor. It used to  
12:45 8 stand for Keller Brown & Root. It doesn't stand for  
12:45 9 that anymore. It's just KBR.

12:45 10 Q. And did KBR know that you were gay when they  
12:45 11 hired you?

12:45 12 A. Yes.

12:45 13 MR. DIEDERICH: Objection; foundation.

12:45 14 MS. KUNG: Q. You've testified that you --  
12:45 15 you told KBR you were still waiting for your discharge.

12:45 16 Did KBR know why you were being discharged from  
12:45 17 the military?

12:45 18 A. Yes, I had stated that to them. I said I was  
12:45 19 being discharged for being gay under Don't Ask, Don't  
12:45 20 Tell. So the recruiter knew exactly my situation.  
12:45 21 Also, part of the requirement of getting hired is, I had  
12:46 22 to re- -- also wait for the release of my DD-214. The  
12:46 23 DD-214 is a Federal document of my Federal service. On  
12:46 24 that document it's -- it clearly states homosexual  
12:46 25 conduct statement. So whether or not I wanted to hide

12:46 1 it or not, the Department of the Air Force made sure  
12:46 2 that every employer in the future will know that I'm  
12:46 3 gay.

12:46 4 Q. And what kind of work did you initially do for  
12:46 5 KBR when you were hired?

12:46 6 A. The job I was hired for initially was referred  
12:46 7 to as a radio repair technician. I worked on the radios  
12:46 8 for the convoys, the Army convoys at Balad Air Base in  
12:46 9 Iraq. I worked that job for a couple of months before I  
12:46 10 was found out by a retired Chief Master Sergeant in the  
12:46 11 Air Force, who was working the calibrations contract  
12:46 12 with KBR. He also was located at Balad Air Base in  
12:47 13 Iraq, and when he found out of my presence there, he  
12:47 14 went through the administration process to pull me from  
12:47 15 the radio repair job to come and work for him in  
12:47 16 calibrations.

12:47 17 Q. Did the retired Chief Master Sergeant know you  
12:47 18 were gay?

12:47 19 A. Yes. He was aware of me being gay through  
12:47 20 mutual friends that were still active duty and who  
12:47 21 also -- he had expressed to me that he had heard.

12:47 22 Q. And you testified that he -- he found out and  
12:47 23 pulled you to work with him?

12:47 24 A. Right.

12:47 25 Q. Where did you then go?

12:47 1 A. He wanted me to -- he was the manager for the  
12:47 2 calibrations contract for KBR. That -- the  
12:47 3 responsibility for him to oversee was in Iraq and also  
12:47 4 in Afghanistan. He wanted me to fill the Lab Chief  
12:47 5 position in Afghanistan, to be the foreman to oversee  
12:47 6 the technical operations.

12:47 7 So he pulled me to do calibrations, but I had  
12:48 8 to wait at Balad and work with him at Balad until they  
12:48 9 did the extra paperwork to move me to Afghanistan.

12:48 10 Q. And when did you then move to Afghanistan?

12:48 11 A. So I -- I got to Iraq in August, so  
12:48 12 September -- August, September I was doing the radio  
12:48 13 repair. Sometime in October and November is when I  
12:48 14 transitioned to calibrations, and this is of 2008. And  
12:48 15 so, again, not exactly sure on the date, but I believe  
12:48 16 it was somewhere around November I moved to Bagram Air  
12:48 17 Base in Afghanistan.

12:48 18 Q. And when you were working in the calibrations  
12:48 19 lab at Balad, was the work similar to what you had  
12:48 20 previously done as a PMEL tech?

12:48 21 A. It is exactly the same thing. The only  
12:48 22 difference was I was not wearing the uniform, and I was  
12:48 23 working with the Army mostly, rather than the Air Force.

12:49 24 Q. And then when you moved to Bagram -- I'm sorry.  
12:49 25 When you moved to Afghanistan, where were you stationed?

12:49 1 A. Bagram Air Force Base is a NATO joint base in  
12:49 2 Afghanistan.

12:49 3 Q. And at Bagram, was the work you were doing also  
12:49 4 similar to the PMEL lab work?

12:49 5 A. Correct, exactly the same.

12:49 6 Q. Did you use the same labs --

12:49 7 A. Yes.

12:49 8 Q. -- as you did while in the Air Force?

12:49 9 A. It's the same type of labs. It's a different  
12:49 10 location than where I was in the -- in Germany and  
12:49 11 Edwards, but it's the same setup, the same lab. And it  
12:49 12 was with prior service members I had worked with in the  
12:49 13 Air Force as well. There was three of them that I knew  
12:49 14 from active duty that were now retired. One was  
12:49 15 separated.

12:49 16 Q. And you mentioned that a retired Chief Master  
12:49 17 Sergeant found you when you were initially doing radio  
12:49 18 work --

12:49 19 A. Correct.

12:49 20 Q. -- radio repair work.

12:49 21 Were there other retired service members also  
12:50 22 doing contract work?

12:50 23 A. Yes. There was a retired Master Sergeant I had  
12:50 24 worked with in Germany. He was also doing the  
12:50 25 technician job at Balad Air Base that I had worked with.

12:50 1 He also went to Afghanistan with me to temporarily help  
12:50 2 with the transition that we were doing there with  
12:50 3 personnel. So I worked with him both in Iraq and in  
12:50 4 Bagram. And then also, another fellow Staff Sergeant  
12:50 5 that was separated from the military, and he was now  
12:50 6 contract as well in Bagram.

12:50 7 MS. KUNG: I think this is a good time to  
12:50 8 change tapes, if we want to take a small break.

12:50 9 THE VIDEOGRAPHER: This is the end of Disk No.  
12:50 10 1 in the deposition of Anthony Loverde. We are off the  
12:50 11 record at 12:50 p.m.

12:50 12 (Recess taken.)

12:57 13 THE VIDEOGRAPHER: This is the beginning of  
12:57 14 Disk No. 2 in the deposition of Anthony Loverde. We are  
12:57 15 on the record at 12:57 p.m.

12:57 16 MS. KUNG: Q. Mr. Loverde, how long did you  
12:57 17 work for KBR in Iraq and Afghanistan?

12:57 18 A. I worked with them from August of 2008 through  
12:57 19 May of 2009.

12:57 20 Q. And during this time period working for KBR,  
12:57 21 were you openly gay?

12:57 22 A. Yes, I was.

12:57 23 Q. What does that mean to you? How were you  
12:57 24 openly gay?

12:57 25 A. I was able to talk about my personal life

12:57 1 without having to worry about being outted. Most people  
12:57 2 when you're overseas in my situation want to know about  
12:57 3 you. They want to know where you're from. They want to  
12:57 4 know if you -- if you're married. They want to know if  
12:57 5 you're in a relationship. They want to know if you have  
12:57 6 kids. I was able to answer all those questions without  
12:57 7 having to lie. I was able to tell them that I was gay.  
12:58 8 I --

12:58 9 A lot of times with fellow service members that  
12:58 10 were coming to me that we were supporting the Army guys  
12:58 11 who would come in, and they were curious to contracting  
12:58 12 jobs. So they were kind of wanting to know how we  
12:58 13 landed that job. And I'd tell them I was prior service.

12:58 14 And then they'd ask me, why did I -- why did I  
12:58 15 leave the Air Force, and then I'd tell them, "I didn't  
12:58 16 really have a choice. They discharged me under Don't  
12:58 17 Ask, Don't Tell."

12:58 18 So that was what I meant by being open. I was  
12:58 19 able to answer questions that were addressed to me, that  
12:58 20 were quite often in normal conversations, and I was able  
12:58 21 to answer them honestly.

12:58 22 Q. And how, if at all, did your coworkers react to  
12:58 23 you being gay?

12:58 24 A. Everyone was accepting. Again, I had worked  
12:58 25 with people that I had already knew prior to this job,



12:58 1 when I was in the military with them. So a couple of  
12:58 2 them said, you know, "We always expect -- you know,  
12:58 3 expect -- or suspected."

12:59 4 And the Chief Master Sergeant who hired me even  
12:59 5 mentioned a comment that he had made to me in Germany,  
12:59 6 and it had something to do with -- I used to sit with my  
12:59 7 legs crossed, and his comment had something to do with,  
12:59 8 "You know -- you know what that means, doesn't it, when  
12:59 9 a guy crosses his legs?"

12:59 10 And we all just kind of laughed at that in  
12:59 11 Germany when we were active duty, like, "Ha, ha, ha. We  
12:59 12 know what you're trying to say."

12:59 13 He actually brought that comment up again as  
12:59 14 contractors in Iraq. He said, "Do you remember what I  
12:59 15 had said back in 2002?"

12:59 16 And I said, "Yes, I remember." That was a  
12:59 17 moment where he, in his way, was acknowledging that he  
12:59 18 suspected I was gay back then. So, coworkers openly  
12:59 19 accepted myself as being gay. They had no problems with  
12:59 20 it. One of the guys would use the phrase -- when  
12:59 21 something disappointing would happen, he would -- he  
13:00 22 would use his slang that would say, "Oh, that's so gay."

13:00 23 Well, once he knew I was gay, he said, "Oh,  
13:00 24 I --" he consciously tried to stop saying that.

13:00 25 Q. And when you say "coworkers," who do you mean?

13:00 1 A. These are the workers I work -- as contractors,  
13:00 2 that I worked with in the lab.

13:00 3 Q. And in your work for KBR as a contractor, did  
13:00 4 you also interact with active military members?

13:00 5 A. Yes, often. I mean, they were our customers,  
13:00 6 so they would come in. They -- some, depending how  
13:00 7 large their accounts are and what their requirements  
13:00 8 are, they'd spend maybe 15, 20 minutes with us. Others  
13:00 9 would spend a couple of hours with us while we were  
13:00 10 working on their equipment, and some would come in with  
13:00 11 emergencies, and they'd sit there and wait with us as we  
13:00 12 worked on the equipment.

13:00 13 Q. And which military members were your customers?

13:00 14 A. Well, there we both have the Air Force and the  
13:00 15 Army. They were both coming to us. Mostly we're there  
13:01 16 supporting the Army, but there were some aviation Air  
13:01 17 Force units that were coming to us with some support  
13:01 18 that we had to provide. So we dealt with -- we dealt  
13:01 19 with the Army mostly, also the Air Force.

13:01 20 Q. Did you serve foreign military branches?

13:01 21 A. As a contractor, we had -- as a contractor --  
13:01 22 I'm -- don't recall foreign military.

13:01 23 Q. So when you said "Army" --

13:01 24 A. U.S. Army.

13:01 25 Q. U.S. Army primarily?

13:01 1 A. U.S. Army and U.S. Air Force. It was all -- it  
13:01 2 was all in our contract what we were able to support.

13:01 3 Q. And did you explicitly disclose your sexual  
13:02 4 orientation to these Army customers?

13:02 5 A. Yes. Again, in casual conversation they'd want  
13:02 6 to know my background. I would tell them I was in the  
13:02 7 Air Force. I would also tell them I was discharged on  
13:02 8 Don't Ask, Don't Tell. One sergeant in particular,  
13:02 9 which was our biggest customer, he'd come in three or  
13:02 10 four times a week and spend a couple hours with us each  
13:02 11 time. We got to talking a lot. He's been in 13 --  
13:02 12 somewhere between 13 and 15 years.

13:02 13 And when I had told him I was discharged under  
13:02 14 Don't Ask, Don't Tell, he was taken aback, and his  
13:02 15 comment was, "I didn't know we were still discharging  
13:02 16 gays and lesbians from the military." He had told me  
13:02 17 that he knew lots of gays and lesbians in his battalion,  
13:02 18 and they were openly serving and that they didn't --  
13:02 19 that they weren't being discharged.

13:02 20 So for me to say I was discharged under that  
13:02 21 policy, he was surprised. And that was the reaction by  
13:02 22 most of the military that I had talked to. They were  
13:02 23 just surprised that not only was I discharged, they was  
13:02 24 surprised that I was hired back to do the same job.

13:02 25 MR. DIEDERICH: Motion to strike;

13:02 1 nonresponsive, contains hearsay.

13:03 2 MS. KUNG: Q. While working for KBR as an  
13:03 3 openly gay man, what type of reactions did you receive  
13:03 4 from U.S. service members when they learned that you  
13:03 5 were gay?

13:03 6 MR. DIEDERICH: Objection; to the extent it  
13:03 7 calls for hearsay.

13:03 8 MS. KUNG: Q. How did -- how did the U.S.  
13:03 9 service members that were your customers, while you were  
13:03 10 contracted for KBR, react to your disclosure of being  
13:03 11 gay?

13:03 12 A. They were -- it was a nonissue. They didn't  
13:03 13 react negatively. They were just -- we conducted our  
13:03 14 business as such. We were professional about it, and it  
13:03 15 wasn't -- to them, they didn't react in any -- any way  
13:03 16 that would be negative. Most of them just had follow-up  
13:03 17 questions. They just wanted to know about the law and  
13:03 18 my situation.

13:03 19 Q. And in your work for KBR, did you ever  
13:03 20 experience any resistance from anyone to work with you?

13:03 21 A. No. People came to me for my expertise. They  
13:04 22 came to me to help them in situations that required  
13:04 23 calibration support. They -- you know, they worked with  
13:04 24 me without issue.

13:04 25 Q. So based on your experience as a contract

13:04 1 worker serving openly gay in Iraq and Afghanistan, what  
13:04 2 impact, if any, did your sexual orientation have on your  
13:04 3 work?

13:04 4 A. Our work, there was no -- there was no negative  
13:04 5 impact. If anything, our -- my unit, we worked well  
13:04 6 together. We had respect for each other. We helped  
13:04 7 each other, and we got the mission done.

13:04 8 Q. Mr. Loverde, I want to turn to discussing your  
13:04 9 living conditions while you were working for KBR.

13:04 10 Please describe your living arrangements in  
13:04 11 Iraq when you served as a contractor for KBR.

13:05 12 A. For KBR in Iraq at Balad Air Base, they had --  
13:05 13 there's a lot of real estate at that base, so there was  
13:05 14 sort of different camps and communities set up  
13:05 15 throughout the base. I was assigned to the contracting  
13:05 16 compound. It was mostly set aside for the contractors,  
13:05 17 and they were trailers. They're trailers where I had my  
13:05 18 own room and sink, shared bathroom with another -- with  
13:05 19 another room from another contractor.

13:05 20 Q. And aside from contractors, who else was  
13:05 21 stationed on Balad Air Base?

13:05 22 A. Balad Air Base, there was -- Army were  
13:05 23 stationed there, Air Force was stationed there, and  
13:05 24 several contracting companies. I'm not too sure about  
13:05 25 the foreign mil- -- I would see foreign military on

13:05 1 base, but I don't know if they were assigned there or if  
13:06 2 they were just transient through.

13:06 3 Q. Did you, as a contractor for KBR, have access  
13:06 4 to the same facilities that the U.S. military did --

13:06 5 A. Yes.

13:06 6 Q. -- on Balad?

13:06 7 A. Yes. We would eat at the same chow hall  
13:06 8 facilities. We would also share the same, what they  
13:06 9 call morale welfare recreation facilities, where they'd  
13:06 10 have computer labs and ping-pong, and all that kind of  
13:06 11 stuff, movie theaters. They had a swimming pool at  
13:06 12 Balad. All these areas were -- we had access. I,  
13:06 13 myself, as a contractor had access to all of these  
13:06 14 facilities that U.S. uniformed military members were  
13:06 15 utilizing as well.

13:06 16 Q. At the swimming pool facilities, did they have  
13:06 17 separate hours for KBR contractors?

13:06 18 A. No. It was -- it was mixed. People would go  
13:06 19 there, military and contractors both. And a lot of  
13:07 20 times they would do salsa dancing, and everything, out  
13:07 21 there near the pool. They just had different events.  
13:07 22 They'd use that area where it was just mixed social --  
13:07 23 socializing.

13:07 24 Q. So at Balad, did you socialize with U.S. active  
13:07 25 service members?

13:07 1 A. Yes. I actually went -- there was an Air Force  
13:07 2 camp, too, down from my work, and I had went there  
13:07 3 several times to contact the educational office, because  
13:07 4 I was setting up my GI Bill. So I actually went through  
13:07 5 military uniformed people to get information on my  
13:07 6 educational benefits as a Veteran. They helped me.

13:07 7 I also went to -- I needed a power of attorney  
13:07 8 as a contractor. I went to the legal department there  
13:07 9 that was staffed by U.S. personnel. They gave me a  
13:07 10 power of attorney to deal with my affairs back home.  
13:07 11 They were there supporting contractors just as much as  
13:07 12 they were uniformed military. I interacted with them  
13:07 13 often.

13:07 14 Q. And now, moving to Bagram Air Base, can you  
13:08 15 describe your living conditions while stationed at  
13:08 16 Bagram as a KBR contractor?

13:08 17 A. At Bagram there was less real estate, so a lot  
13:08 18 of the camps were pushed up against each other. And  
13:08 19 even though I was assigned to a heavily contracted  
13:08 20 area -- and that was in -- I lived in a B -- what they  
13:08 21 call a B-hut, and it's just a plywood room with eight  
13:08 22 partitions of either -- some of it was plywood and  
13:08 23 other -- other walls were made out of carpet, and you  
13:08 24 were just given this cot to sleep on.

13:08 25 The facilities we would use were shared

13:08 1 facilities, so on the edge of the camps there was shower  
13:08 2 facilities and toilets, latrines, and those were shared  
13:08 3 by the surrounding camps, which were contracts, foreign  
13:09 4 military, U.S. military. It was all mixed up.

13:09 5 Q. So aside from contractors, you just testified  
13:09 6 that foreign military and U.S. military were also  
13:09 7 present?

13:09 8 A. Yes. You -- it was all -- they would have  
13:09 9 cleaning schedules to go around, and they would close  
13:09 10 down latrines and showers while they cleaned, and it  
13:09 11 just depended on your -- where you were located. And  
13:09 12 the shower I'd normally go to -- if it was being  
13:09 13 cleaned, I'd walk to the next nearest shower. And that  
13:09 14 next nearest shower, usually, where I was, was  
13:09 15 frequented by U.S. military and the Polish military  
13:09 16 compound was right next to where I was stationed. So  
13:09 17 the Polish military was using the shower facility as  
13:09 18 well.

13:09 19 Q. So did you find yourself at times showering  
13:09 20 amongst active U.S. service members?

13:09 21 A. Yes, I was. There was no -- there was no sign  
13:09 22 or order for us to, you know, shower in separate  
13:09 23 facilities. It was just whatever availability was  
13:10 24 present.

13:10 25 Q. Did you, in your time at Bagram as a KBR



13:10 1 contractor, encounter any problems as a gay man serving  
13:10 2 amongst U.S. military?

13:10 3 A. No.

13:10 4 MR. DIEDERICH: Objection; vague.

13:10 5 MS. KUNG: Q. You testified that you  
13:10 6 showered amongst U.S. military. Did you encounter any  
13:10 7 resistance from U.S. service members?

13:10 8 A. No, I didn't. I was -- I showered with no  
13:10 9 issue of me showering. There was nothing addressed to  
13:10 10 me by any other member that they were uncomfortable.  
13:10 11 Most people would wear towels if they were -- you know,  
13:10 12 if they wanted their own privacy. There was curtains in  
13:10 13 the shower rooms, so there was enough privacy for people  
13:10 14 to -- if that was a concern of theirs, they felt -- they  
13:10 15 didn't express any discomfort.

13:10 16 Q. You mentioned curtains. Can you further  
13:10 17 describe the shower facilities at Bagram that you used.

13:11 18 A. There's -- there's several different kinds of  
13:11 19 showers at Bagram, just because it's such an old base,  
13:11 20 and we brought -- you know, there were some U.S.  
13:11 21 portable showers there, and there was other -- it seemed  
13:11 22 to be foreign showers, so there was a mix and a setup,  
13:11 23 but most -- most of them had some form of shower  
13:11 24 partition, or they were just like their own little  
13:11 25 cubicles with a shower curtain. But it varied, but it

13:11 1 was mostly -- mostly that was how it was set up.

13:11 2 Q. So if you wanted, could you use an individual  
13:11 3 stall or cubicle --

13:11 4 A. Yes, yes.

13:11 5 Q. -- in the shower?

13:11 6 A. Yes. It was always an option.

13:11 7 Q. And did you do so?

13:11 8 A. Yes. There was also a -- I mean, that was the  
13:11 9 shower, but then there was also a changing area that  
13:11 10 everyone would use, and that was just a wide open room  
13:12 11 like this with some benches across the wall. So I --  
13:12 12 you know, you would shower and then change in the  
13:12 13 changing area.

13:12 14 Q. And did you change in the changing area amongst  
13:12 15 U.S. service members --

13:12 16 A. Yes.

13:12 17 Q. -- while you were at Bagram?

13:12 18 A. Yes. We were all naked and changing and doing  
13:12 19 our business, you know, that we needed to do.

13:12 20 Q. And did any military members have a problem  
13:12 21 changing in your presence?

13:12 22 A. No.

13:12 23 MR. DIEDERICH: Objection; foundation.

13:12 24 MS. KUNG: Q. When did you return to -- to  
13:12 25 the States after your -- strike that.

13:12 1           What did you do after your work for KBR  
13:12 2 terminated, ended in, I believe, April 2009?

13:12 3           A.     It was May 2009.

13:12 4           Q.     May 2009.  I'm sorry.

13:13 5           A.     I returned back to California, and I started my  
13:13 6 master's program at the Academy of Art University in San  
13:13 7 Francisco.  I also did a part-time job in Grass Valley,  
13:13 8 California, just doing some consulting work with some  
13:13 9 electronic testing with a small startup firm.  And  
13:13 10 then -- then later I accepted a contract to go to  
13:13 11 Washington, D.C. at Andrews Joint Air Base.

13:13 12          Q.     And what was -- what was that contract at  
13:13 13 Andrews to do?

13:13 14          A.     That was another calibration contract.  They  
13:13 15 had just transitioned from civil service to a -- a  
13:13 16 contracting company had just taken over the calibrating.  
13:13 17 The Master -- retired Master Sergeant Eslinger, which is  
13:13 18 in one of my reference letters, he's retired, and he was  
13:13 19 managing that contract.  He personally called me, asked  
13:13 20 me if I could come out and help train some of the new  
13:14 21 calibration technicians.  Not all of them had our  
13:14 22 background in calibrations, so he asked me to come out  
13:14 23 and help them get started on the new contract.  So I  
13:14 24 accepted that position for a temporary fall position  
13:14 25 during my semester, where I went out there to train new

13:14 1 calibration technicians for that base.

13:14 2 Q. And in what time period did you train on  
13:14 3 Andrews Air Force Base?

13:14 4 A. That was from August 2009 to the end of  
13:14 5 December 2009.

13:14 6 Q. Did you go to Andrews daily in that time  
13:14 7 period?

13:14 8 A. Yeah, Monday through Friday. Sometimes we'd  
13:14 9 work overtime on Saturday, so we were there quite often.

13:14 10 Q. And on Andrews Air Force Base -- Air Force Base  
13:14 11 during this time, did you reveal your sexual orientation  
13:14 12 to anyone?

13:14 13 A. Yes. I was very much openly gay. I even went  
13:14 14 to the extent of getting permission from both my company  
13:14 15 and the Air Force to allow me to drive in an automobile  
13:14 16 that was decorated in repeal of Don't Ask, Don't Tell in  
13:15 17 supporting our troops, straight and gay. It was -- it  
13:15 18 had auto graphics that went all the way around the car.  
13:15 19 It was a very bold move.

13:15 20 The military looked at it as a freedom of  
13:15 21 speech issue. They did not look at it as a political  
13:15 22 issue, because I didn't say, you know, "Vote Republican"  
13:15 23 or "Vote Democrat." It was just a -- it was just free  
13:15 24 speech. So I was very much open, and my presence was  
13:15 25 known on that base.

13:15 1 Q. And can you please describe in more detail what  
13:15 2 exactly was written on your car.

13:15 3 A. On both the passenger's side and driver's side,  
13:15 4 it said, "Support Our Troops, Straight and Gay." And it  
13:15 5 had a logo of an American flag with a silhouette of a  
13:15 6 soldier saluting that went into the gay pride flag, the  
13:15 7 rainbow flag. And then on the other door it said,  
13:15 8 "Repeal Don't Ask, Don't Tell Now," in really big  
13:15 9 letters.

13:15 10 On the back, it had my whole window with that  
13:15 11 same logo, with the flag silhouette and gay pride flag.  
13:16 12 And then underneath it, it said, "Support Our Troops,  
13:16 13 Straight and Gay." I also put the SLDN Web site on  
13:16 14 there for people to go to for reference. And then on  
13:16 15 the hood I also had the SLDN Web site, and then I put  
13:16 16 this formation of aircraft that said, "Fall In Line With  
13:16 17 The Times."

13:16 18 Q. And you testified that you received permission  
13:16 19 from both your company and the Air Force. What was the  
13:16 20 process of getting approval from the Air Force?

13:16 21 A. I started with public affairs, so I went to  
13:16 22 them. I told them I was an art student. I was  
13:16 23 discharged under Don't Ask, Don't Tell. I wanted to  
13:16 24 show my support for the troops, both straight and gay,  
13:16 25 and I wanted to know what -- if that was going to be

13:16 1 allowed for me to drive on base, if there was a  
13:16 2 regulation that would keep me from coming on base.  
13:16 3 Because it was my personal car, and it was my only -- my  
13:17 4 only access for me to get around.

13:17 5 So they -- we talked about my projects, what I  
13:17 6 was doing for art, what I was doing as a prior veteran.  
13:17 7 And they determined that as a public affairs stance,  
13:17 8 they didn't feel there was any issue for them to  
13:17 9 address, but they said -- they advised me to go to  
13:17 10 Security Forces. Security Forces is the entry control  
13:17 11 for the base. So they said, "Get permission from  
13:17 12 Security Forces, because they would be the ones to deny  
13:17 13 you access."

13:17 14 I went to Security Forces, and I talked to the  
13:17 15 sergeant at the desk, which then had to call the Chief  
13:17 16 Master Sergeant of the Security Forces, discussed my  
13:17 17 intentions. And they said, because I was a contract,  
13:17 18 the regulations that they have for military and civil  
13:17 19 service didn't apply to me, and -- because they do have  
13:17 20 regulations for size of bumper stickers, and that kind  
13:17 21 of stuff.

13:17 22 So they said as long as there was nothing  
13:17 23 threatening, terrorist threatening, or profanity, or  
13:18 24 anything like that, that they didn't see a problem with  
13:18 25 me doing this.

13:18 1 Q. And did military members stationed at Andrews  
13:18 2 Air Force Base see your car?

13:18 3 A. Yes.

13:18 4 MR. DIEDERICH: Objection; foundation.

13:18 5 MS. KUNG: Q. Do you know if any members saw  
13:18 6 your car on Andrews Air Force Base?

13:18 7 A. Yeah. You cannot meet -- miss my car. And  
13:18 8 there were many members that would come up to me, knock  
13:18 9 on my window when I was parked, and say, you know, great  
13:18 10 comments, like, "Oh, this is awesome to see. Thanks for  
13:18 11 driving around. Thanks for the message."

13:18 12 People would thank me. People would give me  
13:18 13 the thumbs up. People would wave at me. People would  
13:18 14 stop in the parking lots and take pictures with their  
13:18 15 iPhones in front of it. It was -- it brought a lot of  
13:18 16 excitement. Everyone reacted very positive to it.

13:18 17 I parked at my job, which is near the flight  
13:18 18 line, and you would see people drive into my parking  
13:18 19 lot, stop at my car, everyone looking through the  
13:19 20 window, pointing and smiling and discussing it, and then  
13:19 21 leaving the parking lot, never to park and do anything  
13:19 22 in my -- in my area of business, but to just drive up  
13:19 23 and see the car. It was getting attention.

13:19 24 Q. And did you personally have conversations with  
13:19 25 active service members --

13:19 1 A. Yes.

13:19 2 Q. -- about Don't Ask, Don't Tell or your car?

13:19 3 A. Yes. One --

13:19 4 MR. DIEDERICH: Objection; to the extent it's

13:19 5 going to be hearsay.

13:19 6 MS. KUNG: Okay.

13:19 7 MR. DIEDERICH: Don't let me interrupt.

13:19 8 MS. KUNG: Q. Do you know if anyone ever

13:19 9 complained about your car?

13:19 10 A. Yes. The Senior Master Sergeant Land, who was

13:19 11 the public affairs enlisted person in that flight, who I

13:19 12 had dealt with, with also Captain Hodge, was the

13:19 13 commander in charge of the public affairs at Andrews Air

13:19 14 Base. Senior Master Sergeant Land, I ran into him a

13:20 15 couple months down the road at a -- at a restaurant

13:20 16 there on base, and in the parking lot he had told me

13:20 17 that he had one complaint. One complaint had called in,

13:20 18 saying that they were concerned it was political

13:20 19 activity. Senior Master Sergeant Land had told me that

13:20 20 their stance was it wasn't political activity, because

13:20 21 it didn't say "Vote Republican" or "Vote Democrat." It

13:20 22 was just a matter of free speech.

13:20 23 So in the time that I had drove it, for a few

13:20 24 months at that point, Senior Master Sergeant Land told

13:20 25 me there was only one complaint filed against it based



13:20 1 on that.

13:20 2 Q. Mr. Loverde, I want to turn now to the reason  
13:20 3 you are here today. Why are you unavailable to testify  
13:20 4 at the Witt trial in September?

13:20 5 A. I have again been asked to accept a contract to  
13:20 6 deploy to Iraq and Afghanistan. It's a new company  
13:21 7 that's doing calibration work for Iraq and Afghanistan,  
13:21 8 so I've been approached this last month to consider the  
13:21 9 job. I have accepted the job, and I'm supposed to leave  
13:21 10 this Sunday to report to Iraq to do the calibrations  
13:21 11 work. I'm also expected to close down the base at Balad  
13:21 12 because of our exit strategy.

13:21 13 Q. And who will you be working with?

13:21 14 A. I will be working again with prior military  
13:21 15 members I had worked with before. They're still on the  
13:21 16 contract. It's, again, a new company that they have  
13:21 17 assigned to, doing the calibrations, but it's the same  
13:21 18 people I worked with last year. They're still there, so  
13:21 19 I'm joining that team again.

13:21 20 Q. Does that team know you're gay?

13:21 21 A. Yes, they -- they know.

13:21 22 Q. I have a couple final questions for you today.

13:21 23 Mr. Loverde, what impact do you believe that  
13:21 24 coming out and openly serving had on your experience in  
13:22 25 the U.S. Military?

13:22 1 A. Me coming out --

13:22 2 MR. DIEDERICH: Objection; foundation, vague.

13:22 3 MS. KUNG: Q. You may answer.

13:22 4 A. Me coming out had a positive impact. It  
13:22 5 brought my unit closer. To this day, I have active duty  
13:22 6 service members who are still at Ramstein and also  
13:22 7 deployed also throughout the world at different stations  
13:22 8 who we keep in touch with. They follow me in this  
13:22 9 issue. They've told me several times they are proud to  
13:22 10 have served with me. They look forward to serving with  
13:22 11 me again.

13:22 12 My friendships that I have established in the  
13:22 13 military are a life -- they're for life. These are very  
13:22 14 special relationships. We've gone through a lot  
13:22 15 together, and -- and being open and honest with them  
13:22 16 means so much to me, and it's just made our  
13:22 17 relationships stronger. They know who I am. They trust  
13:22 18 me, and they have opened me up to their family, and I've  
13:23 19 visited them. Since my discharge, I've gone back to  
13:23 20 Germany. I've spent time with them. They've taken me  
13:23 21 out to dinner. I've gone to Colorado and spent time  
13:23 22 with them, just recently this last spring semester. In  
13:23 23 D.C., I have a friend stationed there. We -- we're in  
13:23 24 constant contact, and our friendships are stronger.

13:23 25 It bought my unit closer. We worked well

13:23 1 together when I was open. And as a contractor, it's a  
13:23 2 huge relief. I don't have to worry about being fired.  
13:23 3 I can just be honest, and people can know who I am.  
13:23 4 They can trust me. I can trust them. We've got each  
13:23 5 other's back. It's just -- it's about honesty and  
13:23 6 integrity, and it's important. And now that I can be  
13:23 7 open, it's -- that's -- it's just a relief, and it's a  
13:23 8 much better life.

13:23 9 Q. If Don't Ask, Don't Tell were not the law today  
13:24 10 and you could serve as an openly gay man in the U.S.  
13:24 11 Military, would you consider reenlisting?

13:24 12 MR. DIEDERICH: Objection; hypothetical.

13:24 13 MS. KUNG: You can answer.

13:24 14 THE WITNESS: I would. I would. I miss the  
13:24 15 Air Force. I love the Air Force. I would serve again  
13:24 16 tomorrow, if I could.

13:24 17 MS. KUNG: Thank you. That's all that I have.

13:24 18 MR. DIEDERICH: I just have a couple of  
13:24 19 minutes, so I'm not going to make everybody move, if  
13:24 20 nobody minds.

13:24 21 MS. KUNG: Oh, sure. Okay.

13:24 22 EXAMINATION

13:24 23 MR. DIEDERICH: Q. I want to start by  
13:24 24 talking about some of your time as a contractor. And  
13:24 25 just to make sure that we've got ourselves oriented, you

13:24 1 worked at both Balad and Bagram at different times; is  
13:24 2 that right?

13:24 3 A. Consecutively, yes.

13:24 4 Q. Starting with Balad, the living arrangements,  
13:24 5 you lived in a trailer; is that right?

13:24 6 A. Correct.

13:24 7 Q. And you shared that trailer with one other  
13:24 8 person, right?

13:24 9 A. Right.

13:24 10 Q. And that other person was an employee of KBR,  
13:24 11 right?

13:24 12 A. Correct.

13:24 13 Q. Okay. And at Balad, you worked in a  
13:24 14 calibration lab, right?

13:24 15 A. Correct.

13:24 16 Q. And your coworkers in that calibration lab were  
13:25 17 all KBR employees, right?

13:25 18 A. The technician coworkers?

13:25 19 Q. Yes.

13:25 20 A. Yes.

13:25 21 Q. Okay. They had been in the military before,  
13:25 22 right?

13:25 23 A. Correct.

13:25 24 Q. But they were no longer in the military?

13:25 25 A. They were contractors.

13:25 1 Q. Okay. Moving to Bagram, you testified you  
13:25 2 stayed in a B-hut, right?

13:25 3 A. B-hut, yes.

13:25 4 Q. Okay. And how many people were in the B-hut?

13:25 5 A. There was eight people.

13:25 6 THE REPORTER: Is that eight?

13:25 7 THE WITNESS: Eight, yes. Sorry.

13:25 8 MR. DIEDERICH: Q. And all of those people  
13:25 9 were also KBR employees, right?

13:25 10 A. As far as I know. I -- I, you know --

13:25 11 Q. To the best of your knowledge, they were all  
13:25 12 KBR employees; is that right?

13:25 13 A. Yes.

13:25 14 Q. In the calibration lab in which you worked at  
13:25 15 Bagram, how many people did you work with?

13:25 16 A. At Bagram, there was three.

13:25 17 Q. And all of those people were KBR employees,  
13:25 18 right?

13:25 19 A. Yes.

13:25 20 Q. They were former service members, right?

13:25 21 A. Correct.

13:25 22 Q. But they were currently contractors, right?

13:25 23 A. Correct.

13:26 24 Q. Am I right that you've never served in the  
13:26 25 446th Aeromedical Evacuation Squadron?

13:26 1 A. Served with them?

13:26 2 Q. Uh-huh?

13:26 3 A. It's possible.

13:26 4 Q. Okay.

13:26 5 A. I don't know for sure. I am aware that they're

13:26 6 stationed in Germany. We have done air medical training

13:26 7 with other squadrons in Germany. I've done flights with

13:26 8 them. I don't know what squadron that was, though.

13:26 9 Q. So as you sit here today, you can't be sure

13:26 10 whether you have or have not worked directly with the

13:26 11 446th Aeromedical Evacuation --

13:26 12 A. I can't be absolutely sure one way or the

13:26 13 other.

13:26 14 Q. Okay. Do you know Margaret Witt?

13:26 15 A. I know of her, yes.

13:26 16 Q. Did you meet -- when did you meet her?

13:26 17 A. I've met her several times in the last year and

13:26 18 a half.

13:26 19 Q. So is it fair to say you didn't know Margaret

13:26 20 Witt when she was in the Air Force?

13:26 21 A. Correct.

13:26 22 Q. And you didn't know her when she was in the Air

13:26 23 Force Reserve?

13:26 24 A. Correct.

13:27 25 Q. Can I ask you where you currently reside, sir?

13:27 1 A. I currently reside in Sacramento, California.

13:27 2 Q. And how long have you lived there?

13:27 3 A. I just moved there last month. I was in San  
13:27 4 Francisco for this last year.

13:27 5 Q. Are you represented by counsel here today?

13:27 6 A. I am not aware of that.

13:27 7 Q. I take it, you became aware of this case at  
13:27 8 some point. Right?

13:27 9 A. I've heard of this case.

13:27 10 Q. It's evident, because you're here.

13:27 11 A. Right.

13:27 12 Q. How did you become aware of this case?

13:27 13 A. Well, I, being gay in the military --  
13:27 14 everything Don't Ask, Don't Tell related to something I  
13:27 15 follow, I've followed since 2001. I was aware of all  
13:27 16 the media reports on this case from its initial start,  
13:27 17 and I've also followed through service members Legal  
13:27 18 Defense Network. They -- I get their e-mails. I read  
13:28 19 up on these issues, so I can't tell you exactly the day  
13:28 20 of.

13:28 21 I was also told during my discharge back in May  
13:28 22 of 2008 the reason why it took two and a half months for  
13:28 23 my processing, legal was waiting on the ruling of the  
13:28 24 Witt case to see if my discharge was going to be  
13:28 25 affected by that. So May of 2008, again, I was reminded

13:28 1 of this case.

13:28 2 Q. Did there come a time when someone asked you  
13:28 3 whether you'd be willing to testify in this case?

13:28 4 A. Yes.

13:28 5 Q. And when was that?

13:28 6 A. Several months ago, earlier this year, or -- I  
13:28 7 don't know for sure.

13:28 8 Q. And when was it you were asked -- well, let me  
13:28 9 rephrase this a little differently.

13:28 10 I understand that you're going overseas on  
13:28 11 Sunday.

13:28 12 A. Yes.

13:28 13 Q. And you're doing that pursuant to a contract,  
13:28 14 right?

13:28 15 A. Correct.

13:28 16 Q. When were you asked to become a part of that  
13:28 17 contract?

13:29 18 A. I was asked last week. I was -- I received two  
13:29 19 job offers. I had turned one of the job offers down  
13:29 20 this Monday, when I accepted this job offer. So there's  
13:29 21 two different points which I was considering the job,  
13:29 22 but it didn't become final till, I think, last week.

13:29 23 Q. Okay. What did you do to prepare for today's  
13:29 24 deposition --

13:29 25 A. I --



13:29 1 Q. -- if anything?

13:29 2 A. I had coffee.

13:29 3 Q. Let me ask it a different -- in a more specific

13:29 4 way.

13:29 5 Prior to today's deposition, did you meet with

13:29 6 anybody?

13:29 7 A. Yes.

13:29 8 Q. Who did you meet with?

13:29 9 A. Sher.

13:29 10 Q. Okay. Did you discuss the deposition?

13:29 11 A. As far as the process, yes.

13:29 12 Q. Okay. Did you discuss which questions you'd be

13:29 13 asked?

13:29 14 A. Oh, we -- I just reiterated my story with Sher,

13:30 15 and we just went over my history of where I was, and

13:30 16 just tried to get more clear on the details. We are

13:30 17 looking back eight, nine years, so it was -- that was

13:30 18 the focus of the discussion, is just going over what we

13:30 19 went through today.

13:30 20 Q. And I'm sorry if I misheard. Does that mean

13:30 21 this morning?

13:30 22 A. This morning, no.

13:30 23 Q. Okay.

13:30 24 A. I had coffee this morning.

13:30 25 Q. I'm sorry.

13:30 1 When did you have that meeting?

13:30 2 A. Yesterday.

13:30 3 Q. Okay. Prior to that meeting, had you discussed  
13:30 4 what specific testimony you'd give at trial?

13:30 5 A. Not much. I had worked together on the -- is  
13:30 6 it the declaration -- is what it's called, dec- --  
13:30 7 declaration -- that was filed. And that was basically  
13:30 8 the only discussion, which was a couple months, three,  
13:30 9 four months ago. I'm not -- again, I don't know my time  
13:31 10 frame.

13:31 11 Q. Okay. Who did you work on with that  
13:31 12 declaration?

13:31 13 A. Sher.

13:31 14 Q. And do you recall signing that declaration?

13:31 15 A. Yes.

13:31 16 MR. DIEDERICH: That's all I have.

13:31 17 MS. KUNG: I just have three quick questions  
13:31 18 for you.

13:31 19 THE WITNESS: Uh-huh.

13:31 20 FURTHER EXAMINATION BY MS. KUNG

13:31 21 MS. KUNG: Q. Mr. Loverde, were you planning  
13:31 22 to testify in person in this case, in September?

13:31 23 A. Yes, definitely.

13:31 24 Q. And -- and back to your work for KBR in Balad,  
13:31 25 did you work with noncontractors while you were in

13:32 1 Balad?

13:32 2 MR. DIEDERICH: Objection; asked and answered.

13:32 3 MS. KUNG: Q. You may answer.

13:32 4 A. Oh, yes. I worked alongside the Army. They  
13:32 5 would come in. Sometimes there were moments where in a  
13:32 6 technical situation we may not have the answers of  
13:32 7 what's happening when they use it. So they'd come in  
13:32 8 and they would work with us to troubleshoot. It was  
13:32 9 part of every calibration operation. We can call a user  
13:32 10 in to help us in troubleshooting and maintaining their  
13:32 11 equipment. So very often there were times where I  
13:32 12 worked alongside U.S. Army uniformed personnel in the  
13:32 13 calibration environment.

13:32 14 Q. And then when you went to Bagram, did you also  
13:32 15 work alongside U.S. military?

13:32 16 A. Same fashion, yes.

13:32 17 MS. KUNG: That's all I have.

13:32 18 THE VIDEOGRAPHER: This is the end of Disk No.  
13:32 19 2 in the deposition of Anthony Loverde. The two  
13:32 20 original disks will be retained by Barkley.

13:33 21 We are off the record at 1:33 p.m.

22 (End of deposition at 1:33 p.m.)

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I have read the foregoing deposition transcript and by signing hereafter, approve same.

Dated \_\_\_\_\_.

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(Signature of Deponent)

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DEPOSITION OFFICER'S CERTIFICATE

STATE OF CALIFORNIA        }  
                                  }     ss.  
COUNTY OF ORANGE        }

I, Dawn Howard, hereby certify:

I am a duly qualified Certified Shorthand Reporter in the Sate of California, holder of Certificate Number CSR 13201 issued by the Court Reporters Board of California and which is in full force and effect. (Fed. R. Civ. P. 28(a)).

I am authorized to administer oaths or affirmations pursuant to California code of Civil Procedure, Section 2093(b) and prior to being examined, the witness was first duly sworn by me. (Fed.R. Civ. P. 28(a), 30(f)(1)).

I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in this action. (Fed. R. Civ. P. 28).

I am the deposition officer that stenographically recorded the testimony in the foregoing deposition and the foregoing transcript is a true record

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1 of the testimony given by the witness. (Fed. R. Civ. P.  
2 30(f)(1)).

3 Before completion of the deposition, review of  
4 the transcript [xx] was [ ] was not requested. If  
5 requested, any changes made by the deponent (and  
6 provided to the reporter) during the period allowed, are  
7 appended hereto. (Fed. R. Civ. P. 30(e)).

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9 Dated: August 25th , 2010.

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Dawn Howard

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